United States Court of Appeals

for the Second Circuit



APPELLANT'S BRIEF & APPENDIX

75-7190

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

CLAUDE L. HUNTLEY, JR.,

Appellant,

vs

COMMUNITY SCHOOL BOARD OF BROOKLYN, NEW YORK DISTRICT NO. 14 and WILLIAM R. ROGERS in his official capacity as Community Superintendent of District #14,

Appellees.

APPENDIX TO APPELLANT'S BRIEF

(Volume II—Pages 478-928)

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THE COURT: Next witness.

MS. ROTHMAN: Williams Rogers, please.

THE COURT: All right. We will get him from the witness room.

MS. ROTHMAN: May we have a recess?

THE COURT: All right, five minutes.

W I L L I A M R O G E R S , called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MSL ROTHMAN:

Q By whom are you employed?

A Community School District 14 as community superintendent.

Q How long have you been in that position?

A Since February 1972.

Q What are the responsibilities of the community superintendent?

A Responsibilities of the community superintendent are the general administration of all 27 schools within the district, 2,000 professionals, 1,500 para-professionals and responsibility for the performance of teachers and children within the schools of District 14.

Q Have you held any other positions in the New

York Public School system?

A Yes, I have and I do. I have been with the New York Board of Education for 17 years. A good part of that time was a teacher in Social Studies, in the Junior High School division in New York, I was a supervisor of Continuing Education for the New York Board of Education, I also hold certification as a school administrator and a district administrator state-wide and I also hold the Elementary School Principal license in the New York Board of Education.

Q What is your educational background?

A I hold a Bachelor's degree from Hunters College Master's degree from Pace University and I have nine additional Graduate credits from various institutions throughout New York City and New York State.

Q When you first became community superintendent in February of 1970, do you recall how many members of minority groups held supervisory or administrator positions in District 14?

A I believe two.

Q Do you know how many are at present?

A 14.

Q Who appointed these persons?

A The Community School Board appointed upon my recommendations.

Q Could you tell me in general what are the criteria you use to rate a principal satisfactory or unsatisfactory?

A Well, on the district level, my administration is broken down, in the elementary division I have a supervising principal and the Intermedial Junior High School, I have a supervising principal. We judge a person by the tone of the school, by the performance of the teachers in the school, by educational progress made by the youngsters within the school, whether all the rules and regulations the Board of Education insofar as posed, are followed by the administration of the school, a principal's ability to work with a diverse staff with professionals and para-professionals. His ability to create an atmosphere where there can be a viable educational system going, the general condition of the school, the condition of the youngsters. There are many factors that go into it.

Q Are these criteria different for a tenure principal or for an acting principal?

A The same criteria.

Q Who has the responsibilities to see that the principals within a district are performing satisfactory?

A The ultimate responsibility is the community superintendent. I have a staff, district office staff that

visits the schools frequently. They report back to me. Schools are constantly assessed as far as implementation of programs, general tone of the school, and I depend upon a great deal on my staff within the district.

Q What is the procedure that is used with respect to a tenure principal if he's marked unsatisfactory and it's felt he should be removed?

A Well, the tenure principal of course, -- charges have to be brought against the tenure principal. A tenure principal is entitled to a hearing before the Community School Board and also before the Board of Education. He has a counsel for the Associations who will automatically enter into his defense. This is normal procedure in the New York Board of Education.

Q At the time that Mr. Huntley was principal, were there any required procedures in the case of removal of a non-tenure principal?

A No.

Q When was the first time you evaluated Mr. Huntley's performance as acting principal?

A I assumed the superintendent's position in February of 1972. I evaluated him satisfactorily in June of 1972. I had felt that I had been on the job approximately four and a half months. I did not feel that I could render

a judgment other than satisfactory. There wasn't enough time. There has been problems. I had talked to Mr. Huntley concerning these problems. There had been a number of fires. I had visited the school once and I didn't like the tone of the school, I thought there were too many children in the hallways.

Generally speaking, I didn't think it was professional in such a short period of time to render any other decision but satisf ctory.

Q Do you remember writing this letter of December 13, 1972, exhibit -- I don't have this marked for some reason but it's Exhibit U? I can't find the marked copies.

A Yes. I sent that letter to Mr. Huntley.

Q What was the purpose of that letter?

A We had had discussions during my first four and a half months as superintendent. I had brought to his attention the series of incidents and wished to take that opportunity to insure him that it was a new school year and that I was hopeful that what had gone on in the past would be corrected and that I was willing to work with him insofar as it was possible to, to help correct the situation.

(Continued on next page.)

BS:em

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Rogers-direct

Q Did you ever reach the conclusion that Mr. Huntley's performance as principal was completely unsatisfactory to you?

A Obviously, I did reach that decision.

I believe during the school year '72-73 I spoke to Mr. Huntley on innumerable occasions. I met with Mr. Huntley on innumerable occasions.

The incidents and the tone of the school entered -- almost completely deteriorated as the school year went on in my eyes and in the eyes of the district staff. The situation was, in our opinion, completely out of control.

The Community School Board called Mr. Huntley in a number of times to discuss this matter -- twice, one time we discussed the fires. His suggestion was, for example, that the youngsters carry matches and cigarettes in their socks, so that we should have them divest themselves of their socks and shoes in the morning. We objected to that. It was just a general situation that he obviously had serious problems with the staff.

There seemed to be a tremendous morale problem. Teachers were unhappy, he was unhappy.

I have indicated, and I will indicate again, I met with him and had more discussions with him than all the other principals put together in the district. Many

times in our discussions suggestions would be made and Mr. Huntley indicated that he felt this entire matter was some type of a racial plot against him and that I was party to a situation -- to a scenario to end his career. I assured him I was not.

I talked to various school board members about the IS-33 situation. I had a number of conversations with Mr. Fredericks, a Community School Board member. I had one very long conversation with Mr. Fredericks after the matter of the gangs being permitted into the school.

I personally did not think that was sound educational policy. The youngsters in that community are fully aware of gangs, this is something not new to them. I also believed that they should not be put in a position where they would become some type of idol or something for the other youngsters in the community to look up to .

At that time I censured Mr. Huntley. I also censured an assistant principal in the school and I indicated to Mr. Fredericks in a long conversation that the situation ongoing was vastly deteriorating and I looked for his assistance and I thought that Mr. Huntley was falling deeper into an abyss and I didn't know if he could pull himself out of it and I asked him to help and intercede.

Q Could you give some specific instances, specific examples of how, in your opinion, IS-33 had fallen into a deteriorated condition?

A Well, there has been, and there was an inordinate number of fires in the building. Some of them were reported and some of them were not. Some of them we found out after the fact.

One incident happened, I received a phone call one day from Mr. Huntley indicating there had been a fire and he indicated that the fire had been contained to the teachers' closet.

I thought it strange since there had been so many fires, why make -- why call me on this fire. So I decided the next day to personally go down and see the extent of damage to the teachers' closet. I believe the room was -- I don't remember the room number, it was on the third floor. I walked in and the room was completely burned out. The blackboards were melted, the windows had burned out.

Fortunately, the fire had been contained. During this time members of the Fire Department -- I visited the Fire House, which is about a block and a half away from IS-33. They complained of the constant pulling of the fire alarm outside, the constant calls to the school; that there seemed to be a situation that was out of control.

If we had one situation where a teacher durir a smoking paper fire led a group of youngsters down the back stairs, and only because the firemen were there -- according to the firemen, the youngsters could have been overcome, and he led them to safety. So there was a questio at all times in our minds, and in the minds of the Community School Board, that the situation was an unsafe situation for the teachers, for the paraprofessionals, the teachers, and, most important of all, for the youngsters.

Q Aside from the fires, were there any other problems at IS-33?

A I believe that there were many grievances; for example, on the part of the teachers there was, as I indicated before, a morale problem. I would have to describe it as total disorder on many occasions within the hallways of the school during instructional periods. Youngsters were constantly running around.

I went to the school one day, went to the -- went through the four floors. Every bulletin board had been ripped apart. This was during a third period in the morning. There were youngsters moving back and forth, running up and down on back stairs, in the hallways, and they seemed to feel that -- this was a matter of course, they seemed to feel.

I was down there one day, I went in to see

Mr. Huntley. As I walked in there were possibly fifty or sixty youngsters outside the main office during instructional time. I asked him to come outside, and as we stepped out the door there were two youngsters wrestling on the floor. He broke up the fight. I did raise the question of why are all these youngsters here during instructional time and he told me he would tend to it immediately and I told him that I was tired of hearing reports of youngsters continually out in the hallways, continually moving out of the school; reports from the community that they were continually moving out of the school. I pointed out to him that he had an intermediate school with only two grades in the main building, you see. The sixth grade was in the annex, that he had fewer children to deal with than the other schools, he had adequate staff, and I felt that he was not doing the job that he was supposed to.

Q Did you ever make specific suggestions to him?

A I made numerous suggestions to him in a number of conferences, and I indicated to him after every conference -- the conversation always deteriorated into the charge that it was a racist plot and I kept indicating to him, "You don't want to seem to listen." It's his responsibility to use his staff as he sees fit. It's his responsibility to draw up programs, to insure that youngsters are in the classroom.

It is his responsibility to see that parents -- not parents, teachers are prepared with their lesson plans, that they are -- he had indicated to me that he needed more help. I indicated to him that he had more school aides than any other intermediate or junior high school in the district; that I have afforded him as much help as I possibly could; that I didn't have an inexhaustible supply of money that there were other schools and all the other schools have problems, but that he had certainly been given as much help and more help than all the other intermediate schools inthe district.

I did cite once again that he had -- considering the fact that he only had two grades in the school that I felt he should be doing a much better job in controlling the situation.

I felt -- I would say that it became evident by late fall-early winter that the situation at I.S. 33 was in a state of serious decay.

MR. HOFFMAN: No objection to the answer he gave, but the question was what specific suggestions did you make, and I really didn't get that in the answer, so I note an objection --

THE COURT: You will have an opportunity on your examination.

BY MS. ROTHMAN:

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Q How did the faculty members in general feel about Mr. Huntley?

A I think there was a mixed reaction. There were a number of grievances from teachers at I.S. 33. This was one of the, shall we say, bones of contention between myself and Mr. Huntley. I think -- I don't have the exact number, but there were quite a few grievances, and almost in all grievances Mr. Huntley lost. I indicated to Mr. Huntley that he could not usurp the contract. The contract was there--

Q Is that the U.F.T. contract?

A Yes. I indicated to him that it was my responsibility to interpret the contract and when the contract was specific I couldn't very well rule in his behalf; that if he wanted to build up a case, that was his responsibility to build up a case.

Q What was Mr. Huntley's attitude toward the U.F.T. contract?

A Well, Mr. Huntley on a number of occasions indicated that the U.F.T. contract somewhat hindered him in his operation of the school.

Q In general, could you say approximately how many faculty members were dissatisfied with Mr. Huntley or felt --

A Well, the faculty members on a number of occasions

indicated to me that they felt insecure, they felt unsafe, they felt physically threatened by forces in and around the school. They felt that the safety of the school had deteriorated.

I had a number of meetings with the faculty. I went down and met with the faculty one day in the library after three o'clock. A number of times faculty approached me because Mr. Huntley would not hear their grievances. I met, for example, in the lunchroom of the district office one day with approximately 75 teachers who -- not one of them asked for the removal of Mr. Huntley or anything like that, they asked -- they voiced their concern about the conditions at the school. They voiced their concern about the -- their safety and the safety of the children.

I had a number of faculty members transfer out. I had a number of people who wanted out, who came to me and in some cases literally begged me to transfer them.

In one instance I transferred an assistant principal, Mrs. Rogard, who indicated to me that she had reached her wits' end and she wanted out of the situation. She felt she could not contribute and she felt that her physical and mental health was in danger of going.

Q What was Mr. Huntley's reaction to these complaints from this faculty member?

A Mr. Huntley, once again, in most of my conversations with Mr. Huntley in my office and on the phone, indicated that the teachers were engaged in a plot to have him removed as principal of that school. That was the sum and substance -- after you cut through it all, when we talked about specific suggestions I made, he felt that the teachers were engaged, and I was party to -- and he indicated that in a letter to me that I was party to some plot to get him, and I kept assuring him that I didn't have the time nor the inclination to get anyone; that I just wanted the school to be run in an orderly fashion and I wanted some form of education to get going at the school.

Q Would you say in your opinion, professional opinion, was there much education going on at I.S.33 during the 1972-73 school year?

A Very little, based on my observations of my supervising principal, observations of my staff -- in fact, I had requested my staff, that they not be ordered to visit the school. That request was not granted them. They felt unsafe going in there. Generally speaking, one hundred per cent of the reports I received were that there was chaos in the school.

Q Are you saying that your staff did not want to visit I.S. 33?

A They indicated an unwillingness, but they were

ordered in.

Q How did the situation at I.S. 33 compare with the other schools in the district, the other intermediate schools?

A I would say that I.S. 33 fell far below the other schools in almost every area and I did not have anything like the serious situation I had at I.S. 33. I certainly have problems at all the schools. We have 27 schools and every one of them have problems, but not of the magnitude that existed at that time at I.S. 33.

Q When did you first make your formal recommendation that Mr. Huntley be fired?

A I made my recommendation to the Community School Board at an executive meeting, I believe it was May 24 or May 25, I'm not exactly sure of that date.

Q Prior to this did you give Mr. Huntley any indication that he was in serious trouble?

A I believe a reading of my correspondence with Mr. Huntley and in my conversations with Community School Board members, I had indicated very strongly that unless this thing -- unless this situation improved that I could not very much longer sustain Mr. Huntley and that I believed Mr. Huntley -- Mr. Huntley referred to and I referred to in one conversation something about the water being over his head

and I felt that the situation had gotten to the point that he just could not deal with it any longer.

It was just -- it had just reached that point.

Q What happened after the executive meeting of May 24? Specifically, after that did you submit something in writing to the Community School Board?

A Yes, I did.

MS. ROTHMAN: I introduce Defendant's Exhibit P, a letter of June 1, 1973.

Q Is this what you submitted in writing?

A Yes.

Q Did you submit this in writing to the Community School Board prior to the June 5th meeting?

A Yes, I did.

Q Do you know when you submitted it in writing?

A The exact day I do not know. I submitted it to the Community School Board. I know I submitted it to the Community School Board because Mr. Fredericks read it at the public hearing on June 5th and substituted my name for Mr. Huntley's, so obviously it was in the hands of the Community School Board.

MS. ROTHMAN: I would like to introduce into evidence Defendants' Exhibit marked EE for identification, which shows that on May --

MR. HOFFMAN: When did you give this to us?

MS. ROTHMAN: I didn't give it toyou because I only got your new exhibits yesterday and I didn't have a chance, but I am willing to lay a foundation.

MR. HOFFMAN: I didn't see it before. We have no objection to that. Today is the first time we have seen it.

THE COURT: Mark it in evidence.

THE CLERK: So marked Defendants' Exhibit EE in evidence.

(So marked.)

MS. ROTHMAN: That is a letter of May 30, 1973 stating that at the next public -- the agenda for the public meeting, that the CommunitySuperintendent has recommended to the Community School Board that Mr. Huntley be removed as acting principal of I.S. 33.

Q Did the Community School Board at the meeting of June 5 act on your recommendation?

A Yes, they did.

Q What action did they take?

A By a vote of 7 to 2 they voted to accept my recommendation and remove Mr. Huntley.

Q Do you recall the specific people that voted

to terminate Mr. Huntley?

A Yes, I do.

Q Could you name them?

A Brother Robert Lally, Mr. Ramon, Miss Galski, Mr. Thomas Strohmeger, Mr. Juan Martinez, Mrs. Sally Fisher, Mr. Michael Liskowski, Mr. Joseph Bonomo.

Q Do you know the ethnic background of Mr. Martinez?

A He is Hispanic, I believe.

THE COURT: I don't think this is of any significance at this stage.

Q I referred previously to the executive meeting of May 25. Why was that meeting called?

A That meeting was called to discuss the situation at I.S. 33. At that meeting Mr. Huntley presented a reorganization plan. There was general discussion about the situation at 33. Then Mr. Huntley launched into his suggested reorganization plan, which I believe called for the sixth grade to go to the main building and move the eighth grade back over to the annex the following September.

I think that in sum and substance is what it added up to.

Q And why did you not accept that plan?

A The eighth grade students who would have been

moving back to the annex next year had already been in the annex and I didn't think it was educationally sound that every other year to move them from one building to the next building and back. That would have meant three buildings in three years and all sorts of problems, graduation of the senior class, and I just did not feel that that was the answer at that moment.

Q I would like to ask you some questions about this letter of June 1, 1973 where you recommended Mr. Huntley be terminated.

There is some general language and I would like to know specifically what you mean. You state that Mr. Huntley has "over a protracted period of time failed to demonstrate that quality of professional leadership necessary to effectively deal with the educational program at I.S. 33. Consequently, the school situation is rapidly deteriorating." What do you mean -- do you want to see this? What did you mean by this first sentence?

A What I meant in essence is that Mr. Huntley over a protracted period of time, school year '72-73, had offered no education program at I.S. 33, little or no learning was going on.

Staff relations at I.S. 33 had reached the point of no existence. The community was upset at the situation .

I pointed out to him a number of times, for example, the requests for transfer. People who did not want their children going to 33 -- this was an indication to me that the community had lost faith inI.S. 33.

There were more requests for transfer out of I.S. 33 than all the other schools put together in the district. With the situation, youngsters invariably out of the classrooms, there was in my opinion, and the opinion of my staff, no learning going on.

The school itself by that time looked like an armed camp. In all the windows of the doors there was either steel plating or wooden boards across. The thing had just -- where the children apparently were free to move about if they wished, and there seemed to be no remedy that was correcting it. Suggestions made by my staff insofar as implementing reading programs, educational programs, implementing curriculum, just were nonexistent.

Q You are familiar with the letter of March 6th that Mr. Huntley wrote that the school was in a state of emergency?

A Yes.

Q Prior to March 6th what was his attitude towards comments that the school was in a bad state?

A Mr. Huntley, previous to the letter of March 6th,

which he sent to the parents, contended that I was exaggerating the situation; he contended that I was picking on I.S. 33 and that I was singling him out.

On the day the wire came out, or the letter came out, I called Mr. Huntley and I recited his own words to him where he indicated that there was chaos in the school, excessive fires, disrespect to teachers, vile language on the part of youngsters. I believe it is part of the evidence and I indicated to him by his own hand that everything that I had contended and had been reported to me he was backing up.

When he asked for volunteers to come into the building-- on the exact matters that I brought up to him time and time again, he asked for volunteers to come into the building.

Q In your professional opinion, could the parents have come into the school -- would it have been proper for the parents to have come into the school to alleviate the situation at I.S. 33?

A We always take the position that any parent who wishes to contribute is certainly more than welcome. We have, though, at I.S. 33 a professional staff. We have a paraprofessional staff. It is their duty and their responsibility to carry out the policy of the district, the policy of the Board of Education. That was my view.

I did note that no volunteers, as far as I know, ever showed up.

Q Who is the principal of I.S. 33?

A Mr. Lionel Pretty.

Q Could you describe in general the conditions at I.S. 33 under the present principal?

A I would say that the conditions have improved. During the period that Mr. Pretty has been principal there have been few if any instances of fires. There was one reported earlier in this year where curiously the only thing burned was the program board of teachers.

I still don't understand that one. The general tone of the school, according to my staff, has improved. Children are in the classroom, instruction is going on. That is not to say by any stretch of the imagination that things are perfect. Many problems still do exist. Many problems will exist for years to come. But the general tone of the school is greatly improved. We have fewer and fewer requests for transfer out of the school. My conversations with people in the community have been positive. They have indicated a degree of happiness with the situation, that they feel that their youngsters now are relatively safe at the school.

I would say things are improved a great deal.

Q While Mr. Huntley was principal did he have a full staff? I don't know exactly how it is determined. According to the Board of Education's standards, did he have a full complement of assistant principals?

A Yes, he did.

Q Did he have a full staff of school aides?

A He had more school aides than any other intermediate school in the district.

He had a full complement based on his registers of all necessary personnel. He had, for example, in the main buildings he had only two grades. He had besides himself three administrators. He had deans, he had guidance counselors. He certainly received -- the school received its fair share and more so far as staff.

Q What about security guards, were there --

A There were more security guards at I.S. 33 than any other intermediate or junior high school.

Q Why was Mr. Huntley not brought up on charges?

A According to the regulations, at the time of Mr. Huntley's dismissal, the contract did not call for it. Mr. Huntley could be dismissed as an acting principal upon recommendation of the superintendent and action of the Community School Board. He was not tenured.

Q Do you know if there was a decrease in fires

at I.S. 33 from April till June, until Mr. Huntley left?

A Excuse me?

Q Do you know if there was a decrease in fires at I.S. 33 from April until the time that Mr. Huntley left, April '73 until June '73?

A I can't really recall a decrease.

THE COURT: We have a record, don't we?

MS. ROTHMAN: Okay. Well, the reason that I wanted to ask this is that I was told -- can we say this off the record?

THE COURT: No.

MS. ROTHMAN: I was told that there is a possibility that some fires from April to June were not reported to the District Office.

THE COURT: You may inquire.

Q Could that be so?

A I indicated earlier that over the period of time fires were not reported to the District Office. We heard second-hand, we heard it through people meeting people. Many of the fires that occurred at I.S. 33 were of the type, trash fires, into a classroom basket. I don't think at any time we were fully informed of all the fires at the school.

(Continued on next page.)

Q Are you aware of the grievances that Mr. Huntley had over a supply man's job where it was alleged that one supply man would enforce seniority at the job with reference to -- do you recall the circumstances of that incident?

A Yes.

Q Would you explain it to the Court.

A The person who had had the job for a period of time -- yes, they did have seniority. But according to the UFT contract, positions such as this must be rotated. The person that had the job with the prescribed number of years and the person who had a -- had the right to apply according to the UFT contract. I ruled that the person fighting the grievance was entitled to the job because the incumbent had held it all the years that the contract called for that he could hold it.

Q Are you also aware of the grievance when Mr. Huntley wanted to move the -- a Social Studies teacher from the annex and you refused to let him do it?

A Yes, I am. I am not fully cognizant of just what that contract situation was, but I believe it was a question -- there were seniority rules. I would have to go back to look at the records. And I ruled that according to the contract Mr. Huntley couldn't do it. And the teacher was upheld.

Q Were all these grievances by the teachers pursuant to UFT contracts?

A Yes, ma'am.

THE COURT: Well, how much longer --

MISS ROTHMAN: Not too much longer. Just a few more questions.

THE COURT: All right.

Q When Mr. Huntley was the Principal of I.S. 33, did you permit him to have the doors in the building locked?

A There was a discussion on that.

Q I don't mean chains. I mean locked.

A Locked from the outside. Yes. In other words, you can get out of the building, but you can't get in.

Q Well, there were some claims during the hearing the other day that he was refused permission to have the doors locked?

A The only permission Mr. Huntley was refused was to have the door chain. Mr. Huntley came to me with a request to put chains on the doors. And I refused. I have no objection to -- I think it's sound, that many of our -- many of our schools have many exits and entrances. I don't think anybody has any business coming into a school except through the main entrance. But certainly for anybody in the building in case of an emergency, you should be able to exit

out of the building. But I don't want anybody entering into the building. The discussion centered around, as I recall, chains for the downstairs -- the section of the doors downstairs. And I refused to have them put chains on because that meant in a situation where somebody would be trapped and couldn't get out. So I refused.

Q In case of a fire?

A I just refused.

Q Do you recall the boycott of April 25th of I.S. 33?

A Yes.

Q Approximately how many people participated in that boycott?

A Well, a good number of youngsters stayed home. As far as people in the boycott, there was never any significant number of people picketing.

Q How many? Approximately?

A Well, according to the New York Times -- they had sent a reporter down --

THE COURT: No, I don't want that.

THE WITNESS: Our report indicates no more than 12.

Q What about the June boycott?

THE COURT: We have had testimony from the man

on the scene.

Q Well, we had testimony last week that the school was shut down during the June boycott. Was that so in fact?

A The boycott was effective the first day, two days, within a week's time. Normal attendance returned to the school and the school completed its regular school year.

Q Who was Mr. Schiff? What was his position when Mr. Huntley was the Principal?

A Supervising Principal, intermediate, junior and high school, District 14.

Q Did you ever have conversations with him about Mr. Huntley?

A Yes.

Q What did Mr. Schiff tell you at these conferences?

MR. HOFFMAN: I think she should call Mr. Schiff for that.

THE COURT: No. It applies directly to the state of mind of the witness as to who was responsible for a recommendation that your client be fired. Overruled.

You may answer.

THE WITNESS: Mr. Schiff in many of our conversations reiterated what I have said. He was the person who was my supervising principal. He indicated to me a

general dissatisfaction with the school. And he indicated there was a continuing deterioration of the school plan and of the educational processes of the school.

Q Was there any more supportive services provided to the present principal than were provided to Mr.Huntley?

A The present principal now has the sixth grade in the school. So obviously there are more teachers there. In other words, we closed the annex because we are in the process of demolishing the building at that end of the district. And we had to move one school into that building. There are more teachers there because there are more youngsters. We have the sixth grade. We have given them the level of services that they are entitled to within the district.

Q So it's only in proportion to that increase that there would be more --

A Yes.

Q One last question. Are you familiar with a Sally Fisher's visits to I.S. 33 and in the making of a report on the conditions?

A I heard about it, yes.

Q Are you familiar with the substance of the report?

A I am not fully familiar with it, no.

Q Did the teachers ever come to you directly without first going to Mr. Huntley as they were supposed to under the union contract?

A The teachers informed me on a number of occasions that they had gone to Mr. Huntley enumerable times and he would not listen to them. There were far many occasions when I would not see the teachers than when I saw them. I indicated to the teachers I didn't have a completely open-door policy. I did meet with groups of teachers a number of times who indicated to me that Mr. Huntley would not listen to their grievances, as Mr. Huntley, as the Principal, according to the contract he is supposed to avail himself to his staff. I did have a couple of meetings, as I indicated, before with large numbers of teachers who showed up.

MISS ROTHMAN: I have no further questions at this point.

THE COURT: All right. I take it the cross-examination will be substantial?

MR. HOFFMAN: Yes.

THE COURT: All right. We will recess now until 20 minutes to 2.

Thank you.

(Luncheon recess taken.)

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JB:tr[1]
1/1pm[2]

AFTERNOON SESSION

1:45 p.m.

WILLIAM ROGERS, having been previously duly sworn, resumed the stand and testified as follows:

THE COURT: All right, you may proceed with the cross-examination, please.

CROSS-EXAMINATION

BY MR. HOFFMAN:

Q Mr. Rogers, I note that your previous experience as an administrator was director of the continuing educational program.

A Supervisor.

Q Supervisor?

A Yes.

Q Would that be individuals who are adults who would want to continue their program?

A Adults, youngsters.

Q And were you working under somebody at that time within that program?

A I was in charge of that.

Q Excuse me?

A I was in charge of that area. I worked under superintendent Brandy.

Q I see.

A I was a member of his staff.

Q Did you have any experience supervising or evaluating principals?

A Principals?

Q Yes.

A Not principals of the day school, no.

Q No.

A No.

Q And I assume you never supervised or evaluated teachers in a regular school setting, as far --

A Yes, I did.

Q You did?

A Yes.

Q And what regular school setting would that be?

A Junior high school.

Q What junior high school? Would that be 118?

A Yes.

Q Because I notice in the resume which I believe you submitted to the Board when you were with the Community School Board when you were hired, it says work experience, '62 to '68 was as a teacher, Junior High School 118.

A Yes. I also had administrative duties at 118, Bronx.

Q But you were -- actually your title was a teacher at that time?

A Acting. I was not a licensed supervisor. I became a licensed --

Q If you could answer the question --

A Yes.

Q Your title was as a teacher during those six years; is that correct?

A Yes.

Q Now, you rated Mr. Huntley twice, is that correct?

A Yes.

Q You rated Mr. Huntley at the end of '72?

A Yes sir.

Q And you gave him a satisfactory rating?

A Yes sir.

Q There are three designations on those rating sheets: Unsatisfactory, doubtful and satisfactory?

A Yes.

Q You marked satisfactory?

A Yes sir.

Q Now, at the end of 1972, there had been a number of fires at Mr. Huntley's school? Would that be fair to say?

A Yes.

Q And our statistics -- excuse me.

MR. HOFFMAN: Do you have a copy of that exhibit?

MS. ROTHMAN: Yes, I do.

Q Now, I believe you stated that one of the factors which you rated Mr. Huntley unsatisfactory was the number of fires?

A That was a contributing factor. Yes.

Q And, however, in -- the end of 1972 there had been 31 fires in the school, according to our statistics? Would that be about correct?

A I will accept your statistics.

Q I took them from the log which you gave us.

A Well, I didn't count them. I testified there were a number of fires. I accepted that, as I am sure --

Q You gave us the chart, sir?

A Yes.

Q Did you compile the chart?

A It was compiled by members of my staff. I said there were numerous fires. If there were 31, I will accept that figure.

Q If I may just ask a question on the charts: You gave this chart to a member of your staff to compile, is that correct?

A Yes sir.

Q And did you give him instructions when they compiled the chart?

A No. I just told them to --

Q We are talking about exhibit 7 -- Defendant's Exhibit 2.

A Can I see it?

Q I am sorry.

A This was compiled, yes.

Q Would it be fair to say that you told him to look at the logs and to add up the number of fires each year?

A I told him to report the number of fires in the school, yes.

Q And you also told them if there was more than one fire in one day, to include that in the total total?

A I don't recall saying anything like that.

Q You know that the 33 figure does include like ten small fires in one day and so forth, or you wouldn't know that. I didn't direct them specifically how to -- just how many fires there were that were reported officially.

Q Now, let me ask you a question. I will get to that.

At the end of 1972 you rated him satisfactory in spite of the fact that you had statistics showing that there were 31 fires in that school?

A Yes.

Q Was there an improvement in the number of fires in 1973, in the fall semester?

A According to the records, there were fewer fires in '73 reported.

Q Now, let's talk about that "reported", to which you keep mentioning.

When there is a fire, is it the teacher's obligation to immediately pull the fire alarm?

A Is it the teacher's obligation to pull the fire alarm if there is a fire?

Q That's right. That's my question.

A I'd have to answer this way: If a teacher walks into a room and there is a small fire in the trash basket, the teacher may first try to extinguish it.

Q You don't have a general regulation which says as soon as a fire is seen, that you must pull the fire alarm?

A There is a regulation when there is a fire you have to alert the authorities. And if there is a fire box, you pull it. But there are many instances --

Q Which authorities, sir?

A What?

Q Which authorities?

A The administration of the school.

Q Would that include calling the custodian?

A Yes.

Q Because he is the one who has the expertise in either calling the fire department or putting out a fire?

A Well, I don't think it calls for any expertise in calling the fire department, anybody can call the fire department. WE have the numbers listed in each office. Any secretary can call the fire department. You can call the fire department; I can.

Q But the custodian is generally responsible for fires in the school as far as making a log of it, cleaning it up afterwards? And if he is the first one, obviously he is to call the fire department.

A He is responsible for cleaning it up, yes.

Q It is the teacher's obligation when they see a fire to immediately pull the fire alarm if it is accessible, right? Isn't that the general regulations?

A No, that is not the general regulations. I am not aware of that general regulation.

Q Who is responsible to make the logs when there is a fire?

A The administration in conjunction with the custodian.

Q Who makes out the log? The custodian? Would

that be fair to say? 246

A Yes, yes, he does.

Q And the custodian is responsible for cleaning up after a fire, right?

A Yes.

Q And you are saying that you have received reports that there were fires which the custodian did not make a log for; is that correct? Is this your testimony?

A No, that is not my testimony. I indicated --

Q Let me ask you if --

A Yes.

Q -- if that is not your testimony.

Where there any fires that you know of which the custodian did not make a log of?

A Fires were reported to me. I inquired of the custodian and he indicated they were never reported to him.

Q That is a pretty serious -- would you say that is a pretty serious breach of someone's duty in not reporting that fire?

A Yes.

Q Did you make an investigation as to which teacher -- who was responsible for reporting it who didn't report it?

5/5

A The administration --

Q Do you have the name, sir, of one teacher who saw a fire which was not eventually put in a log?

A No.

Q Do you have any written report whatsoever? Well, let me ask you this. When you found out that there were fires not report on the log, did you call the custodian to have him write up a log about it?

A I called the principal and asked about unreported fires.

Q Did you tell the custodian to include it in his log?

A I indicated that the custodian, to the best of my knowledge, include everything in the log that he was made aware of. I had a discussion with Mr. Huntley on unreported fires.

(Cont'd on next page.)

Q My question is, did you ever tell the custodian to include a fire which was not reported and to put it in the log?

A Would you repeat that.

Q Did you ever tell the custodian to include a fire which was not reported in the log?

A No.

Q And you don't have any written reports or documentation of any of these unreported fires, sir?

A No.

Q When did these unreported fires occur, Mr. Rogers?

A Specific dates, I can't give you. Over a Period of time.

Q Who were you receiving these reports from? I ask this question -- Let me strike that question.

I ask you this question because unreported fires seem to be pretty serious to me.

A I think so, too.

Q Did you ever write a letter to Mr. Huntley and tell him there were unreported fires?

A I discussed this personally with Mr. Huntley.

Q The only thing you did -- You didn't take -- I don't want to be repetitious, but you didn't take the name

of any teacher who reported one of these unreported fires?

A No.

Q Now, on this chart, Exhibit -- It is a defendant's Exhibit. Defendant's Exhibit T. I notice something very serious, Mr. Rogers. When the fires were totaled at I.S. 33 -- we have the statistics. First, even though they occurred on the same day, there were more than -- for instance, there was one report --

MR. HOFFMAN: Do you have those logs?

MR. MEYERSON: Yes.

MISS ROTHMAN: I have the log.

MR. HOFFMAN: May I have it.

Q For instance, as we know, and I believe there was testimony to the fact that there were -- by the way, did you receive a copy of these logs as they occurred or were they just kept in the school?

A They were kept in the school.

Q Now, there was one incident where there were ten fires in the school; is that correct?

A It was reported to me.

Q And I notice that the -- in Defendant's Exhibit AA, for instance, on a fire which occurred on May 23, 1972, it indicated that there were ten small fires at the school. And I assume you instructed the person who made the chart to

add all of the number of fires no matter how small in compiling that chart.

A Sir, I gave no specific instructions to the people who compiled that chart.

Q The reason I asked is because in I.S. 49 in '71 the chart has nine fires, and there were several days -- in fact, there was one day where there were five fires, one day where there were two fires. They weren't added up individually, sir. Do you have any explanation for that?

A No. But I would make a comment on the situation in I.S. 49.

Q No, I don't want a comment. If I may --

A No.

Q My question is, do you have any explanation why when the chart was compiled for I.S. 49 the individual fires which occurred in one day, for instance --

MISS ROTHMAN: May I see that.

MR. HOFFMAN: Yes. Of course, counsel can add it up.

Q For instance, on March 9, 1971, there were three or four fires on that day. Maybe even five fires. That was only added up as one on this date.

MISS ROTHMAN: Excuse me. I don't see where there were four or five fires.

MR. HOFFMAN: On this date we have 330, 345.

MISS ROTHMAN: It doesn't say that there were fires. It says discovered, unlawfully entry.

MR. HOFFMAN: Two bulletin rooms near 227 charre Room 325, upright piano charred. Room 325, teacher's desk charred. Room 325, rear door broken open.

MISS ROTHMAN: That would be two fires.

MR. HOFFMAN: O.K. That would be on that day.

Q On March 9th -- on March 11th, room 215, third floor, bulletin board near 360; second floor, bulletin board near 227, near the auditorium stage, 107, wardrobe, all extinguished by school custodian staff, damage minor. Do you have any explanation, sir, that the figures seem to be more -- let me say, against Mr. Huntley?

A I have no explanation. I gave no instructions on this matter.

Q Just a pure coincidence, you would say?

A I don't know that to be so. That's your word.

Q At this time I notice that the I.S. 49 --

MR. HOFFMAN: First, it is only marked for Identification. I ask that it be introduced into evidence.

THE COURT: No objection being noted, it will be so marked.

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MISS ROTHMAN: I object to the relevancy of I.S. 49.

THE COURT: Overruled.

THE CLERK: Plaintiff's Exhibit 17 marked in Evidence.

Q When you rated Mr.Huntley satisfactory in 1972, in June of 1972, did you at that time give him anything in writing saying, well, I don't know what your performance was, but I am giving you a break and I am giving you a satisfactory rating any way, or something to that effect? I believe that is what the testimony was. You didn't have a chance to evaluate him?

A I had been superintendent since February. The situation had been reported to me. I had met with Mr. Huntley and discussed --

Q My question is, did you give him anything in writing?

A I marked him on the appropriate form, satisfactory.

Q Did you give him anything in writing in June or prior to June, 1972, that that satisfactory mark was condition in any way?

A Not to my recollection.

Q That's my question.

Now, when you rated Mr. Huntley at the end of 1972, Mr. Rogers, did you use any written criteria?

A Could you be more specific?

Q Well, was there anything in writing which you referred to when you gave Mr. Huntley an S as his rating?

A No. Nothing that I can recall.

Q Now, I believe there was this statement of your counsel -- I don't know whether you were in the courtroom -- that there were no written criteria to evaluate us in evaluating Mr. Huntley. Is that your stipulation?

MR. HOFFMAN: I am sorry.

MISS ROTHMAN: I don't recall. You have the witness here.

MR. HOFFMAN: O.K.

Q What written documents -- what written criteria did you use in evaluating Mr. Huntley at the end of 1973?

A I believe the documentation in my exchange of letters with Mr. Huntley based on reports to me by my district office staff.

Q Do you have any of those written reports with you?

A No.

Q Were there any written reports?

A No.

Q Fine. Continue, please. Is that it? The reports from your staff?

A No.

Q I am sorry.

A I answered.

Q All right. When you rated him, Mr. Huntley, at the end of '73, and I realize you never made a formal written rating other than the letter, right?

A Yes.

Q Did you take into consideration the improvement if any academically in the school between -- from 1973 to -- excuse me -- from 1972, the fall, to May of '73?

A All factors were taken into consideration in the rating of Mr. Huntley.

Q Did the reading scores -- how would you compare Mr. Huntley's school's performance in the reading scores between '72 to 1973 with the other schools? Better, worse or the same?

MISS ROTHMAN: I have an exhibit on the reading scores. It may refresh his recollection.

Q Well, I will ask you whether you know and then I will use it to refresh his recollection.

If you don't remember, you can say you don't remember.

A I believe there was a slight improvement. But

I would point out that I had inquired from the Chancellor concerning the validity o. scores and the school cited was 33.

Q Was there an investigation made, Mr. Rogers? Did you conduct -- by the way, did you mention this at all in your deposition of March '74?

A I don't think I was asked whether I mentioned it or not.

Q Didn't ask you that question now, but let's go on with that.

A All right, let's go on.

Q You say there was a question as to the validity of the scores?

A It was raised by the Central Board.

Q Was there an investigation of that?

A By the Central Board.

Q Did they make a finding?

A They never made a final finding.

Q Did they give you any written finding?

A No.

Q Do you have anything in writing concerning that investigation?

A Not my office.

Q You weren't sent anything in writing?

A I was never sent a finding.

Q My question is --

A I have inquiries from the Board. And we turned over the results to the Central Board.

Q Did they come back and change any of the marks?

A Not to my knowledge.

Q Now, you gave us or you provided us with certain statistics regarding the reading level, the schools, the junior high schools in the district; is that correct?

A Correct.

Q Would those be the statistics you gave us?

A Yes.

Q I don't notice, Mr. Rogers -- I don't notice any asterisk saying these marks are being questioned. Is there anything, any indication that those grades are being questioned or were questioned on that exhibit?

A I indicated there were, yes. I indicated that there was a question raised. I never received any final statement from the Board in this matter.

Q You submitted those grades in making various official reports, right?

A Yes.

Q Those are the grades you used; is that correct?

A The grades are given to me by the Central Board.

Q I am saying, when you make an official report, I am sure you have to submit periodically the reading levels of your schools, right?

A Correct.

Q Those are the figures you provided; is that correct?

A Correct.

Q And you don't say anything at the bottom of those figures, in question, or were questioned or will be questioned? Have you ever done that before?

A I wasn't asked to.

Q Will you pass that exhibit back to me, sir.

A Sure.

Q Now, I notice in the sixth grade, that I.S. 33, the reading level at the end of '73 jumped eight tenths of a point, according to your statistics. Now, there are -- let me look at it again and then I will give it back.

A Surely.

Q Now, I notice that he improved in two grades, sixth and eighth; is that correct? He went up two-tenths of a point? I am talking about I.S. 33. He went two-tenths of a point up in grade eight; is that correct?

A The figures show that.

Q And he went up eight-tenths of a point in grade

six, and he went down one-tenth of a point in grade seven?

A The figures indicate that.

Q Would you say that that's as good if not better than showing improvement in the other schools?

A I think the figures are misleading. The sixth grade figures are the figures from the annex. The annex was in the charge of an Assistant Principal who I considered to be --

Q That is not my question. I am asking you about the figures.

MISS ROTHMAN: Let him answer the question.

Q O.K. If I may --

THE COURT: Excuse me. Address your remarks to the Court.

MR. HOFFMAN: I think Miss Rothman can clarify it if it needs clarification.

THE COURT: I think he is entitled to answer. You may continue.

A As I said, the sixth grade reading scores are misleading. These were the sixth grade children up at the Annex at that time who were not in the educational environment that existed at the main building. The Annex was under the direction of an Assistant Principal who's nominally at the -- and as the head of the school, Mr. Huntley, but on a day-to-

day operation in an implementation of the school program --

Q You don't give Mr. Huntley any credit.

MISS ROTHMAN: Excuse me. He is interrupting him.

THE COURT: Have you finished your answer?

THE WITNESS: No, sir.

THE COURT: All right, you may continue.

THE WITNESS: I do not attribute the increase in reading scores to any influence that Mr. Huntley had. I credit it to the staff of the Annex. I would also point out that the decline in the seventh grade -- once they got into the main building, from 4.8 to 4.7, indicates that the educational environment in the main building led something to the -- well, not what I wanted -- but the increase in the eighth grade is at best minimal.

I would also point out that the two feeder schools for I.S. 33, P.S. 59 and P.S. 297, have the highest reading scores in the district. But the point is these children achieve this eight-month increase at the Annex away from the main building.

Q You don't attribute it -- Was Mr. Huntley responsible for two general administrations of the Annex?

A Mr. Huntley visited the building.

Q My question is, was he responsible for the general administration of the Annex? I think that is --

A No, he wasn't. He was a nominal head. I attribute the success of the scores to the Assistant Principal in charge.

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(Continued on next page.)

CROSS-EXAMINATION

BY MR. HOFFMAN: (Cont'd.)

Q Did you require Mr. Huntley to visit the annex or to see what problems, if any, occurred at the annex?

A That was part of his duties.

Q Some of these untoward incidents which you list on one of these charts, which occurred in the annex, I notice you attribute that to Mr. Huntley.

A I didn't attribute them to Mr. Huntley.

Q Certainly, would you say that the reading scores -- would you agree that the reading scores at I.S. 49 in the seventh and eighth grades were the same, if not better than the reading scores at I.S. 33?

A Would I say the scores at I.S. 49 were the same or not better?

Q I.S. 33, were they as good, if not better, as I.S. 49?

A I.S. 33 had better reading scores than I.S. 49, according to these figures. Do you want me to --

THE COURT: No.

Q You mentioned -- let me ask you this: Do you have any reports whatsoever, anything in writing, because you mentioned that you received reports from your staff, the people in the school, as to any criticism as to the way

Mr. Huntley was handling that school?

A Not in writing.

Q I believe that you mentioned on direct examination that the criteria you used in evaluating Mr. Huntley was the educational progress in the school -- is that correct?

A I believe so, yes.

Q The tone of the school, totaling rules and regulations of the school -- what rules and regulations, by the way, was Mr. Huntley violating, if any?

A The rules and regulations of the school? The biggest one, the children should be in the classroom during instructional time, not running wild in the hallways.

Q Now, you visited the school how many times between '73 to '74?

A '73 to --

Q Excuse me, '72 to '73.

A Two, three, four times maybe, tops.

Q Now, Mr. Fredericks, he was the liaison in that school, is that correct?

A Yes.

Q Was it his job to -- what was his job as liaison?

A Well, each Community School Board member is given a number of schools where he acts as liaison from the --

to inquire into the problems and the situations, to report back to the Community School Board. For example, there is repairs and certainly a school board liaison person should be the one pushing for his school. Generally to -- I think the word the board uses is they act as overseers to the school.

Q One of the functions of these liaisons is to go into the school and observe, which is done?

A Observe, yes.

Q Did you ask Mr. Huntley -- excuse me, Mr. Fredericks, toward the spring of '73 -- you had gone into this school. Did you ask him, "How do you perceive the problems of the halls and the students in the halls and so forth?" Did you ask him his opinion?

A A number of times.

Q Mr. Fredericks is mistaken, because he testified that you never did? Would that be --

A Mr. Fredericks is mistaken. I spoke to Mr. Fredericks concerning I.S. 33 and the situation on numerous occasions, at executive board meetings, in telephone conversations, in conversations in my office, quite a few times I spoke to Mr. Fredericks.

Q There is machinery to terminate tenured teachers, is that correct?

A Yes, sir.

Q And when there are reports of misfeasance by a teacher or by a principal, there is a term -- there is a procedure --

A Yes.

Q And would it be fair to say that there were two reports -- how many reports of a principal not doing his job properly, did you receive, other than Mr. Huntley?

A I receive -- first of all, there isn't a principal in the City of New York or in the State of New York that is perfect. I receive reports where principals make mistakes, errors in judgment, none of them are perfect, they are human beings. If I could, we review -- I review with my staff at least once every two weeks we go over particular problems in each school, I meet with Mr. Carter, the elementary supervising principal, I meet with Mr. Schiff --

Q Was there any occasion where you felt that the machinery for a tenured teacher's termination should be implemented -- principal, tenured principal? Do you want me to repeat it?

A No. You're asking me --

Q Was there any occasion --

A Occasionally where I used the machinery to terminate a tenured principal?

Q Right?

A No.

Q Was there an occasion where the machinery you felt was called for?

A Not up to this time.

Q You said that during the course of your administration as superintendent there are times when other principals may have had misjudgments, all principals aren't perfect, right?

A Yes.

Q Did you ever take the teacher -- excuse me, principal, or do you know of any time where a principal has been taken to the Community School Board other than Mr. Huntley?

A Other principals in the district have come before the school board discussed particular situations.

Q My question is, do you know of any time where the Community School Board or you yourself requested, because of some misjudgment of the teacher, or some misfeasance of the teacher, that he be taken to the Community School Board?

A Misjudgments -- to use that word --

Q Or misfeasance?

A I generally take care of situations with my

principals where there is a situation that needs correction. The Community School Board, for example, is meeting tonight. They have invited a principal down to discuss a certain situation concerning a leak in the ceiling, in the roof of a building. I mean there are many instances where the school --

Q My question is -- my question really I think is pretty simple: Other than Mr. Huntley, do you know of any occasion, for some alleged wrongdoing, or judgment or policy which was instituted which you disagreed with, that the school board or you -- the school board called him in front of the school board or that you took him in front of the school board?

A No.

Q That's my question.

The first time you took Mr. Huntley before the school board, or the school board called for Mr. Huntley, was the gang incident, is that correct?

A I think it was -- no, I don't think it was the gang. Just a minute. Let's get it straightened out. We met concerning the gangs in the afternoon. It was an afternoon meeting. Mr. Huntley appeared before the board in an evening meeting previous to that, I'm quite sure, concerning the conditions at I.S. 33: The fires, the lack of

discipline --

Q Let me ask you this --

A -- the afternoon meeting, Mr. Fredericks was in attendance. It was an afternoon meeting. There was a number of the staff --

Q In other words, the gang meeting was not the first time --

MS. ROTHMAN: He doesn't let him finish --

Q Was that the first time?

A I don't know if that was the first or second. Mr. Huntley was brought to an evening meeting, I believe --

Q Let me ask another question and make it more simpler, okay?

A All right.

Q How many times was Mr. Huntley taken to the board?

A Taken to the board? At a regular executive session, twice. There was an afternoon meeting concerning the permitting of gangs into the building in the afternoon, which Mr. Fredericks was party to, he had asked me to call a meeting. I, in effect, consider that being asked to appear before the board.

Q Who was there, just Mr. Fredericks?

A No, Mr. Fredericks, other members of the staff.

Q Were other members of the board there?

A I believe they were. I can't honestly say.

Q And the second time -- you said the total was three, right? Would it be fair to say the second time was after the letter had been sent out by Mr. Huntley, to say that helps your recollection?

A The letter indicating that there were too many --

Q Right.

A Mr. Huntley was called first to discuss the situation early in the year, then there was an afternoon meeting concerning gangs in the school, and then there was the meeting on May 24th. Those are the three times that Mr. Huntley appeared before the board, to the best of my recollection.

Q You don't remember whether the gang meeting was first or second?

A I really don't.

Q We have a letter from you reprimanding Mr. Huntley -- I believe it was written in October of 1974 -- '72 --

A '73.

Q Well, I don't think it matters anyway. Let me just say, you disagreed with Mr. Huntley's -- or the

social, I believe it was the head of the social studies department?

A Yes.

Q Calling in gang members, right?

A Yes.

Q You understodd this was part of a problem to call people from law enforcement and various individuals in an urban setting so the teachers could talk to them, but you still disagreed, is that correct? The students to talk to them?

A I think there is a distinct difference between law officers and gang members.

Q You disagreed with that policy, right?

A Yes, I did.

Q And you reprimanded Mr. Huntley?

A Yes.

Q Did he call the gang members back in after you reprimanded him?

A Not to my knowledge, no, because it's strict policy not to have gang members in the school during school hours.

Q After you told him not to call in gang members to talk to the students, he didn't call in gang members to talk to the students?

A Correct.

Q The second time he was called -- let me ask you this, do you have any reason to believe -- we have in the number of fires chart that there were only, I believe, two fires -- Plaintiff's Exhibit 15 -- there were only two fires in the fall of '72. Is there anything you have to contradict those logs?

A In the fall of '72?

Q That's correct.

A I wasn't the superintendent. I can't comment on that.

Q You weren't the superintendent in the fall of '72?

A The fall of -- wait a minute, yes, I was, I'm sorry. No, February '72 I took over -- fall, yes.

Q The fall of '72 you were superintendent, right?

A Right.

Q And do you have any reason to believe that the logs which we have, which indicate just two fires in the fall of '72, is incorrect?

A I have no reason to believe that.

Q Would you agree that that was a distinct improvement over the problems of fires which Mr. Huntley had in the spring of '72?

A Those that were reported, yes, there was an improvement.

Q You have recollection that there were more fires in the fall of '72?

A Yes.

A You don't have the names of the teachers or anybody, do you?

A No.

THE COURT: I think you are becoming repetitive.

MR. HOFFMAN: I am sorry.

THE COURT: Are you going to continue much longer on the cross?

MR. HOFFMAN: Yes.

THE COURT: Whenever you reach an appropriate breaking point, we will take a short recess.

MR.MEYERSON: Your Honor, I might point out, I should have asked you this, this morning, at 3:00 o'clock I'm supposed to be before Judge Bartels for about ten minutes on a pre-trial, relative to the former Judge Travia's case I had before him. Perhaps we can go until then.

THE COURT: All right, if you would like.

BY MR. HOFFMAN:

Q Now, these logs indicate that Mr. Huntley was terminated in June of 1973. There had been no fires for approximately two months. Do you have anything to contradict that?

A No.

Q We do have a chart, Mr. Rogers, of untoward incidents in the school -- in the district, and it's Defendant's Exhibit R. Would it be fair to say that untoward incidents are like assaults against teachers, and maybe even assaults against other students?

A Yes.

Q In 1972, I notice the chart has Mr. Huntley had six untoward incidents, is that correct?

A Correct.

Q Now, there are four untoward incidents which you have recorded in 1973?

A Correct.

Q We didn't get a copy of that. Do you know how many -- did you compile this chart?

A Personally?

Q Yes.

A No.

Q So, you don't know whether those four untoward incidents in 1973 at I.S. 33 were in the spring of '73 or

the fall of '73?

A I have no way of determining that. Untoward incidents generally are people who are intruders into the building and who were apprehended. As far as assaults on teachers or assaults on youngsters, that is part of, unfortunately, almost an everyday occurrence.

Q In your deposition --

MS. ROTHMAN: Excuse me. Can't he respond to the question?

MR. HOFFMAN: I didn't ask the question.

MS. ROTHMAN: You asked him something --

THE COURT: Excuse me. Don't argue. Ask the next question, please.

BY MR. HOFFMAN:

Q In your deposition back in March of '74, you stated that the number of untoward incidents were -- an increased number of untoward incidents was one of the reasons Mr. Huntley was terminated?

A I am talking about untoward incidents within the school itself. You're raising a question here of -- you can differentiate between an untoward incident, those that happen during the school day and those that are here reported -

Q We asked you for the logs and --

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THE COURT: Excuse me. You're interrupting.

THE WITNESS: That's what we gave, and that's -- I imagine the persons who compiled it took it from the records and these are the untowards incidents where people entered the building and there was a situation.

Q Would you agree that from the chart you have, that there was an improvement in '73 over '72?

A There were two fewer incidents of intruders, that's an improvement.

Q We don't know whether the four include those which occurred in the fall of '73, is that correct?

A I have no way of determining that.

Q There is one thing I'd like to clear up: Mr. Pretty mentioned that there are four children and four teachers in the school, and you mentioned there were more teachers and more students in the school. I was wondering whether you could clarify that for us?

A No, I'd have to clarify that with Mr. Pretty.

THE COURT: I think he was talking, wasn't he, about the annex plus the main building?

MR. HOFFMAN: That could be true.

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Q By the way, I.S. 33 is the most -- well, it has 99 per cent blacks and Puerto Ricans in the school, more than 99 per cent, is that correct?

A Yes.

Q And that percentage is greater than any other school in that district, from the figures I have, which you have provided us; would that be about fair?

A By a percentage point in some instances. We have one -- that school population is changing.

Q I notice I.S. 126, from the figures you gave us, has 42 per cent others or whites?

A Yes, but then I have schools that are 96 per cent hispanic. That particular school used to be 80 per cent black, 20 per cent hispanic. I thing it's down to 55 per cent black, 45 per cent hispanic. There is a change. I have some schools that are, as I say, almost 100 per cent hispanic.

Q And while Mr. Huntley was there, would it be fair to say that he had more children than anybody else -- more students than any other school?

A Mr. Huntley had two grades at I.S. 33 main building. He only had the seventh and eighth. He didn't have as many children as I.S. 49, I.S. 318, Junior High School 126, they had more students. He had the sixth grade --

Q There is a breakdown here of the annex and -- let me talk about the annex and the main school, okay?

A Sure.

Q Including the annex and the main school there were more students Mr. -- Mr. Huntley was responsible for the annex, is that correct?

A Correct.

Q The annex and the main building had more students than any other school in the district?

A I'd have to look at the figures. Do you have the figures there? It's quite possible.

MR.HOFFMAN: For the record, that is Plaintiff's Exhibit 3 for identification. We would like to introduce that into evidence.

THE COURT: Any objection?

MS. ROTHMAN: None.

THE COURT: Mark it into evidence.

THE CLERK: Plaintiff's Exhibit 3 marked into evidence.

(So marked)

Q Would that be right?

A The total, including the annex, you're right.

MR. HOFFMAN: We would like to introduce Plaintiff's Exhibit 14 for identification.

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THE COURT: Any objection?

MS. ROTHMAN: No.

THE COURT: Mark it.

THE CLERK: Plaintiff's Exhibit 14 --

MR. HOFFMAN: I notice we have some figures on the bottom. We can replace that with an unmarked exhibit.

THE COURT: All right. The figures in ink will be disregarded.

THE CLERK: Plaintiff's Exhibit 14 marked in evidence.

(So marked)

Q Now, did you testify on direct that there was no decrease in administrative staff for Mr. Huntley's tenure?

MS. ROTHMAN: Objection. He said Mr. Huntley had a full complement of staff. I don't think he said there was a decrease.

Q Was there a decrease in administrative staff for Mr. Huntley?

A No.

Q The reason I ask, under Plaintiff's Exhibit 14, I notice that '72, -- '73 there were six assistant principals and in '71 -- '72 there were eight.

A '71, '72?

Q Yes. I will give you a copy of it.

A I don't know how many -- eight?

Q Yes. That's what the figures you gave us say.

A This is in what, 1971 -- '72, they have eight assistant principals?

Q That's what the figures say, Mr. Rogers.

A I wasn't the superintendent and I'm -- they may have designated eight people in acting positions, I really don't know. You'd have to ask somebody else about that.

Q Would you say there was a decrease, according to those figures? Would there be any reason why those figures would be inaccurate?

A I would consider them inaccurate.

Q You would?

A Eight assistant principals? I would just consider that inaccurate. I was in the district at the time, but -- as part of the superintendent's staff, but eight assistant principals, I don't think there were eight.

Q You don't recall that?

A No, I don't.

Q You stated, Mr. Rogers, that -- by the way, who drew up these figures, do you know?

A Members of my staff.

Q Just for the record, these are figures you provided us, is that correct?

A They must have been taken from some record. I didn't personally do them.

Q You stated on direct, I believe, that there were more school guards at I.S. 33 than any other school.

A Than any other intermediate school.

Q I.S. 49 an intermediate school?

A Yes, it is.

Q I.S. 50 an intermediate school?

A It's a Junior High School.

Q It is not an intermediate school?

A We consider intermediate and Junior High School on division.

Q Same category as I.S. 33?

A Yes.

Q What about '71?

A '71, 126, 33, 49, 318.

Q Do you remember in your deposition of March 1974, you agreed to supply to us the number of guards in each school?

A I believe I did.

Q Would you identify this document and tell me whether or not it is on your letterhead, is that correct?

A Yes.

Q And is that what you gave us in response to our request for the number of guards in that school?

A That is what you were given. I checked this material out yesterday according to my business manager and personnel director that I.S. 33 received more aids,more school guards than any other school in the district.

Q I appreciate that information, but I have another question.

A Yes?

MR. HOFFMAN: I'd like to mark this for identification.

THE COURT: Did you receive this from the defendant?

MR. HOFFMAN: Yes.

THE COURT: Mark it in evidence.

THE CLERK: Plaintiff's Exhibit 33 marked in evidence.

(So marked)

MR.HOFFMAN: According to Plaintiff's Exhibit 33, which is a listing of school guards employed in District 14, it indicates that I.S. 33in '72 -- '73, had the fewest number of school guards; does that refresh your recollection?

THE WITNESS: No, it doesn't refresh my recollection.

Q Do you have anything in writing that contradicts these --

A With me?

Q Yes, with you.

A No.

Q My question to you is, that there are schools which had five school guards, with no substantial number of fires, no substantial number of untoward incidents, Why didn't you transfer those school guards to IS33 when they seemed to have these problems?

A I've indicated to you that my business manager has informed me that there were more guards at 33, more aides at 33. The situations at the other schools -- the other schools are just as important as 33.

Q Yes, but I believe you said on direct testimony that you deployed the guards as they were needed within the school district; isn't that what you said?

A For example, IS49 has 24 exits from the building. That's 24 different entrances people can go out. It is a much more difficult school to police than IS33.

Q You didn't it important enough, forgetting IS49, because I know they have fires -- I'm talking about the other schools which do not have these fires, which had five school guards -- you didn't find the situation serious

enough at IS33 to transfer some of those school guards; right?

A I did not transfer guards.

MR. HOFFMAN: Okay. If we can take a break now?

THE COURT: HOw much longer will you go with your cross?

MR. HOFFMAN: Not too much longer.

THE COURT: Do you want to recess now?

MR. HOFFMAN: Yes.

MR. MEYERSON: I could go until three.

THE COURT: Anything you want.

MR. HOFFMAN: This is a good point for me.

THE COURT: All right. We will break. Let me know when you are ready so we can proceed. We have a lot to cover.

MR. MEYERSON: Thank you, your Honor.

(Recess taken.)

THE COURT: Where is Mr. Meyerson? Will you please go down, Mr. Clerk, and check?

THE CLERK: Yes, your Honor.

THE COURT: I haVe to break at 4:30. I have a sentencing panel. I can go there after or work tomorrow, but you will have to arrange that with the reporter. It will be up to counsel to arrange. I will be here as late as you want tonight or into tomorrow.

MR. HOFFMAN: I'm available.

THE COURT: While we are waiting for Mr. Meyerson why don't you try to work it out with counsel and the reporters, particularly the reporters. They are critical.

(Recess taken.)

THE COURT: All right. Continue with your cross-examination.

MS. ROTHMAN: Excuse me. Is it okay with you? Is it okay with the Court Reporters?

THE COURT: That is a court day. He will be here.

MR. HOFFMAN: We mean tonight.

MS. ROTHMAN: I can stay until 8:30.

THE COURT: Continue with your cross, please.

BY MR. HOFFMAN:

Q There is one statement you made, Mr. Rogers, on direct that curiously the Program Board of the Teachers was destroyed by a fire. What did you mean by that?

A I found it curious that that was the only thing set afire.

Q Are you implying that it could have been done by a teacher?

A I am not implying any such thing.

Q Do you have a list in your office of the number of transferred students from IS 33?

A It's available.

Q It is available?

A Yes.

Q Okay. Were there students who were transferred who asked for transfers after Mr. Huntley left the school?

A The number of people requesting transfer from IS 33 has dropped significantly since Mr. Huntley has left the school.

Q Did it have anything to do with the -- strike that.

You have those statistics?

A On me, no sir.

Q Could you make those statistics available Friday?

A I'll send them in.

Q All right. Now, were some teachers hostile to Mr. Huntley?

A There were teachers who indicated they were not exactly happy with the situation at IS33.

Q Well, the reason I used the word "hostile" in your deposition on Page 86, last March, 1974, you did say, bottom of Page 86, "I would say this, that while there were --

there was on the part of a few teachers some overt hostility then you go on to say that "Generally you didn't see the hostility."

So did you observe a few number of teachers who were hostile toward Mr. Huntley?

A I observed a number of teachers who at hearing disagreed with Mr. Huntley. There was a case of the Guidance Counselor who wished to transfer but Mr. Huntley didn't want to give him a transfer.

It indicated that his attitude after a while could be described as hostile. He was transferred out.

Q Now, you said there were a number of grievance which teachers had filed against Mr. Huntley; is that correc

A Yes sir.

Q And these grievances were through the contract procedures?

A Yes, sir.

Q Did you advise all teachers who came to you to file these grievance procedures?

A Teachers don't come to me and ask me if I thin they should file. The procedure is --

Q Let me strike that. Let me rephrase it, okay?

A All right.

Q There were some teachers who made complaints

directly to you; is that correct?

A Grievances?

Q Made complaints about the general problems they felt they had at the school?

A I had indicated I had met with numbers of teachers a few times, where teachers had expressed their concern about the situation at this school.

Q The answer is yes, there were teachers who came directly to you with problems they were having?

A They came directly to me after they had approached Mr. Huntley and received no satisfaction.

Q Is that what they told you?

A Yes.

Q Were any of these complaints in writing?

A I believe there was one where a group of teachers signed a complaint, yes.

Q Was this a petition?

A A petition?

Q Yes.

A I do not believe it was in the form of a petition.

Q Do you remember the date of that complaint?

A No, I don't.

Q Wouldn't that be in 1972?

A In '72?

Q Yes.

A When in '72? I can't recall the date.

Q Around FEbruary of 1972?

A February of '72? When I assumed the superintendency?

Q Yes. Does that refresh your recollection?

A A group of teachers came to me?

Q Or had signed a petition or a letter regarding Mr. --

A I can't recall.

Q Is this the statement Defendant's Exhibit I, which you saw? Does that refresh your recollection? It is directed to Brother Lally but you may have received a copy of it?

A Yes, I recall a number of teachers signing a document indicating concern. This may be it.

Q It may be it?

A They directed it to Brother Lally. I am sure I received a copy. I think, where I wasn't sure is when I actually received it.

Q Fine. Now, this petition or letter is dated FEbruary 1st, 1972; right?

A Yes.

Q Wasn't the complaint which these teachers had made in reference to the annex?

A Yes, so it states.

Q And it states the moral problems they were having at the annex; is that correct?

A Correct.

Q I believe you stated that it was Mrs. Straker who was responsible for the annex, as far as you are concerned?

A I believe the situation was the basis of the or the background was that MR. Huntley as the principal of the whole complex wished to transfer teachers and that was the result of -- that resulted in the moral problem at that time, as I recall.

Q I see. So the reading scores you attribute to Mrs. Straker but the moral problems you attribute to Mr. Huntley? Would that be fair to say?

A No.

Q No. Isn't it true that the grievances which Mr. -- which were filed against Mr. Huntley were generally in regards to classroom size, transfers and not about -- let me ask you that question. Would that be true or would it be wrong?

A A number of them dealt with classroom size. There was a situation in a number of classrooms, had youngsters

in excess of contracual agreements. There were grievances -- one you raised before -- concerning rotation of assignment, grievances concerning transfer.

Q Do you remember one grievance which a teacher had filed regarding Mr. Huntley not being cooperative or not listening to their problems or anything of that sort? Do you remember one of those grievances being filed?

A Do I remember one of those grievances being filed?

Q Yes.

A What do you mean?

Q In a Step 1 procedure, when we're talking about grievances, we're talking about through the union contract; is that correct?

A Yes.

Q And there is a Step 1 and there is a Step 2?

A Right.

Q Step 1 is in front of the principal?

A Correct.

Q Step 2 is in front of the District Attorney? Excuse me. Getting late. I'm sorry, your Honor.

In front of the superintendent?

A Superintendent, right.

Q Do you have on record any grievances filed by

a teacher regarding moral problems he was having with Mr. Huntley or lack of cooperativeness which Mr. Huntley was not giving the teacher or lack of support which Mr. Huntle was not giving the teacher? Any grievance whatsoever relating to that type of problem?

A The grievances deal with the contract. For example, there was a grievance concerning the rotation. Teacher felt that he was entitled to the job and he felt that Mr. Huntley had treated him unfairly and inequitably according to the contract.

Q Now, regarding problems with moral, there were some teachers who came to you directly; is that correct?

A They came to me. They came to the School Board

Q Some teachers came to you directly?

A Yes.

Q Do you have the names of any teachers who came to you directly which you told to go back to Mr. Huntley, he' your principal, deal with him?

A The teachers who came to me complained that Mr. Huntley would not deal with their problems.

Q Do you have --

A In --

MS. ROTHMAN: Excuse me.

MR. HOFFMAN: I'm sorry.

A (Continuing) In my meetings with the teachers, I had indicated to them that they couldn't come up when they felt like it, that they had to deal with Mr. Huntley. He was the principal.

On many occasions they went back and met with Mr. Huntley, and after each subsequent meeting they didn't seem to get too far with their complaints.

(Continued on next page)

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Q Now, what are the number of meetings you had where you had -- you took a teacher who had one of these problems and you called Mr. Hutnley in and you were there yourself to deal with the problem?

A At all the grievances.

Q I am not talking about the contract grievances now, sir.

A What are you talking about?

Q I am talking about these other grievances which may not have come through the contract regarding morale problems or --

A I met with the teachers and Mr. Huntley on a few occasions. For example, the occasion when a number of teachers came to me concerning the presence of gangs. There were teachers from the school available or they were there at the meeting where the teachers had a voice, where the teachers hadsomething to say.

There were a few other occasions where there were teachers there with Mr. Huntley and where there was a discussion of problems.

I met with the teachers in the library of the school.

Q My question is, do you remember the name of any -- let me ask you this: Do you remember the name of

any teacher who came to you and where you called Mr. Huntley in you resolved the problem together with Mr. Huntley and the teacher?

A I resolved --

Q Talking about one teacher.

A I resolved many of the problems. The teachers never -- the teachers, as you indicated, teachers who were complaining came as a group. I didn't meet with individual teachers and I don't meet with individual teachers who have a gripe. They have a means of approaching me and that is through the UFT contract. Because Mr. Smith doesn't like Mr. Huntley, that doesn't mean my door is open to each individual teacher.

Q So the reports you were getting were from groups of teachers coming directly to you?

A Who came to me, yes, a number of times.

Q You had several meetings with them, without Mr. Huntley being present? Would that be fair to say?

A They appeared at my office. Myself, Brother Lally met with them a few times.

Q Didn't you have a meeting at, I believe, I.S. 1 --

A Junior high school.

Q Junior High School 126 with them?

A I was asked to come to a meeting. There was no meeting held.

Q By the teachers?

A There was no meeting held.

Q When you were asked to come, was it regarding problems or difficulties with Mr. Huntley?

A The general situation at I.S. 33.

Q Did you invite Mr. Huntley to come to this meeting?

A No, I did not invite Mr. Huntley to come to the meeting and there was no meeting.

Q You went to I.S. --

A I went to Junior High School 126.

Q Nobody showed up?

A There were people there and I did not meet with them. There was some discussion in the hall and I left the building.

Q You said there was one meeting with 75 teachers?

A Approximately.

Q Present.

Wasn't this after a staff meeting with Mr. Huntley?

A Yes, it was.

Q The original purpose for that meeting was a

staff meeting which Mr. Huntley called?

A Mr. Huntley called a staff meeting, yes.

Q I ask you to recall, if you can, the approximate dates of meetings which you had with Mr. Huntley and these teachers who had complained to you, other than this staff meeting?

A The approximate dates?

Q Yes, and place?

A I can't give you the approximate dates. I know there was one in the fall. I think there were two others where Mr. Huntley was present and there were times I believe that just a few teacher representatives were there, to iron out the situation.

I didn't particularly want 75 teachers debating with Mr. Huntley. You are not going to get anything in that situation. Upon -- after these meetings, I informed Mr. Huntley, once again, the teachers were complaining. I kept them aware of these meetings but the teachers came to me because they complained that they did not receive any satisfaction in their meetings with Mr. Huntley.

Q You didn't go back to Mr. Huntley with these problems; did you?

A I went back to Mr. Huntley innumerable times with these problems. I met with Mr. Huntley and

discussed the problems at I.S. 33. I met with Mr. Huntley more than I met with all the other principals combined in the district during that year, in my office.

Q Give me an example of one of these meetings. Give me an example of these meetings where a group of teachers came to you. When was that? Give me one example.

A I'll give you, for example. For example, there was a meeting up in the lunchroom.

Q What was the general complaint?

A What?

Q What was the general complaint?

A About the conditions at the school. The unsafe conditions at the school.

Q When was that?

A I can't give you an approximate date. There was a number of this.

Q Were you invited in by the teachers?

A Yes, I was invited in by the teachers.

Q Was Mr. Huntley there?

A No, I do not believe Mr. Huntley was there.

Q Did you invite Mr. Huntley to the lunchroom?

A No. They had asked to meet with the president of the school board and then they invited me in. I

was asked to speak to them.

Q You don't feel that Mr. Huntley should have been there? I assume, since you didn't invite him?

A I didn't particularly want a confrontation. I wanted to find out what their gripes were all about.

Q Did Mr. Huntley institute an honor roll?

A I believe there was an honor roll in the school. Most schools have honor rolls.

Q Do you know whether he instituted it at I.S. 33? That is the question.

A Did he institute it?

Q Yes.

A Originally I really couldn't say. There was an honor roll there with --

Q Did he help set up the S.P. program?

A That was before I was superintendent.

Q Do you know whether he set up a music and art festival?

A The district set up the music and art festival.

Q He didn't help do that?

A All the clusters in District 14 are responsible to set up, organize a music and art festival during each spring in District 14.

MR. HOFFMAN: Can I have one last question before? I know you have to leave.

Q My last question before we break here is this: What -- one of the statements you made on direct is Mr. Huntley did not institute any effective educational programs. No educational programs.

My question is this.

THE COURT: I do not remember that testimony.

Q Did you mention that?

MS. ROTHMAN: It was in the letter, the letter recommending his dismissal. It says he was not able --

Q My question is, let's take I.S. 49. What programs were instituted in I.S. 49 which Mr. Huntley did not institute?

A I.S. 49, in the past three years, past two years, has set up a special reading program. There is nothing comparabld to it at I.S. 33.

He set up a special bilingual program out of city tax levy funds that is not to be found at I.S. 33. Those are two examples which involve quite a few numbers of children and classes.

Q Well, I believe that the -- first of all, wouldn't it be fair to say that I.S. 49 has a more serious reading problem than I.S. 33? I mean I notice here from the chart that I.S. 49 is reading almost two grades below

I.S. 33?

A Yes.

Q What else other than this remedial reading program?

A And a bilingual program.

Q Wouldn't you say there are more Spanish people at I.S. 49, that the problem is different at I.S. 49?

A Yes, there is.

Q Regarding Spanish; right?

A There is a heavier concentration.

Q Much heavier; isn't it?

A Yes, there is.

MS. ROTHMAN: I think you asked him if he said that Mr. Huntley hadn't been able to implement any educational program. He didn't say that.

He said effective educational programs.

Q So what else, Mr. Rogers?

A I believe they were responsible for setting up their music festival.

Q Which he had, too?

A Which he had and which he did not have.

Q In fact, there was a festival after he was terminated, which you cancelled?

A Yes, I did.

Q Is there anything else?

A That Mr. Huntley did?

Q No. Which they instituted which he didn't.

A I believe I cited four things. I cannot cite anything that Mr. Huntley instituted.

Q Well, you didn't know about the S.P. program?

A On an educational basis.

Q And you don't know about the S.P. program; right?

A No.

THE COURT: All right. Is this convenient to break?

MR. HOFFMAN: Fine.

THE COURT: Why don't we break until five. If you want to go down and get a cup of coffee?

MS. ROTHMAN: Could you give me an idea of how long the cross examination will last?

MR. HOFFMAN: Ten more minutes.

MS. ROTHMAN: Because I have two more witnesses.

MR. HOFFMAN: Ten more minutes.

MS. ROTHMAN: O.K.

THE COURT: I will be back at five. You may want to have a cup of coffee, or a sandwich. You can get it at the Revenue Building. Otherwise you

Will be famished.

(Recess taken.)

(Continued on next page)

(After recess.)

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W I L L I A M A. R O G E R S, having been previously duly sworn, resumed the witness chair and further testified as fol[illegible]s:

THE COURT: Proceed, please, counsel.

CROSS-EXAMINATION

BY MR. HOFFMAN (Continued):

Q One question as to the no bilingual program in I.S. 33.

Did Mr. Huntley ask you for a bilingual program?

A The parents requested a bilir[illegible]ual teacher.

Q Did he ask for it -- Mr. Huntley?

A Not that I recall.

Q He may have?

A He may have.

Q And would you agree that -- I believe you mentioned - correct me if I am wrong - that there were a lot of programs with the parents and his communication with the parents in the district. Did you mention something about that?

A No. I think I was speaking in terms of requests by parents to have their children sent to another intermediate or junior high school. I think that is the context I was speaking in.

Q Would you agree with the statement that first of all the parents' association supported Mr. Huntley? I thought you said that on your deposition.

A The Executive Membership supported Mr. Huntley -- or the Executive Board.

Q Now, there was a boycott in April -- was it April of 1973?

A Yes.

Q That was after the fires, right?

A It was concerning the fires, concerning the general disorder.

Q I notice from the demands that, first of all, the boycott was really directed towards the Superintendent. Wouldn't that be fair?

A That was not my impression of the situation.

Q It was not your impression?

A No.

Q But do you remember that certain demands were made to you as the Superintendent?

A Yes.

Q Wouldn't it be fair to say that the demands included items such as reading and math scores and more medical services; notices about more hall guards; teachers dressed improperly?

I don't see anything in these demands regarding a fire program in the school.

A I met with the parents or a group of parents on a Sunday afternoon to discuss the situation.

Within the discussion, the situation at the school, including fires, was discussed. Some of their requests were certainly legitimate.

They wanted more medical services. In so far as we were able to provide medical services, we do. We do not control those funds. They are controlled by the Health Service Agency, not that I agree with that.

They wished better lighting. The problem with that is there was constant vandalism. The lights are being broken and constantly replaced. Certainly a legitimate request on the part of the parents.

In so far as some of the other things you have mentioned, if I could see it --

(Document handed to witness.)

A (Continuing) They wanted, I think you said, better reading.

Q A bilingual teacher in the school.

A That reading and math scores be upgraded immediately through more effective teaching. They felt the reading scores were not what they wanted. Nobody is

particularly satisfied with the reading scores with the City of New York.

Q In that school, I.S. 33 or in your district, such as I.S. 49, which has the lowest reading scores?

A I indicated there was a general dissatisfaction with the reading scores in the City of New York --

Q But in --

THE COURT: Please let him answer the question unless you want to withdraw it.

A Since you want to raise the question, the district has been for a number of years, near the bottom in reading scores in the City of New York.

In the last two years, they have shown a growth of nine and a half months, which is one of the largest increases in the City of New York, but it has a long way t go. There are no miracles. I don't claim there are.

The parents in these requests wanted higher reading scores. They wanted their children to achieve more. That is certainly a legitimate request. Can we do it overnight? No. I won't pretend that we can but there has been an improvement.

Q I notice -- are you finished?

A There has been an improvement districtwise.

Q I.S. 49, of course, from '70 went from 4.7

to 4.3; 5.6 to 4/8; 6.9 to 5.5.

A Am I supposed to answer that?

Q Well, in I.S. 49 we see a poor showing. Would you agree?

A P.S. 19 was last in the City of New York three years ago and jumped 150 per cent. Three out of five schools have shown an increase in reading.

Q Including when Mr. Hutnley was there?

A Yes, with the greatest increase in reading scores in the sixth grade.

If you look at the figures given to me, there was an increase. The feeder school, P.S. 297 and 59, they have the highest reading scores in the district.

Q What are the feeder schools?

A 297 --

Q What is the racial composition of 297?

A It is 150 feet away from I.S. 33, with approximately the same breakdown. 59 has generally the same breakdown.

Q Is one of the programs with the feeder schools that the whites are not going to these schools, schools that don't do as well. They don't transfer to I.S. 33?

A I.S. 33 is the school they are destined to go to.

I indicated twice in my testimony now that we have had many, many requests on the part of the parents that their children not go to I.S. 33 and they have requested in many instances that their children g o to another intermediate or junior high school.

We have not honored all these requests in so far as there has been room in other schools. Was there something else you asked?

Q Now, regarding the morale problem in the school, did you ever talk to Mr. Miller, the Assistant Principal, regarding programs in the school?

A Mr. Miller?

Q Yes.

A Mr. Miller --

Q James Miller.

A Mr. Miller was an interim Acting Assistant Principal. Did I ever talk to him --

Q Yes --

A (Continuing) -- concerning the morale problems?

Q Yes.

A I can't recall a conversation.

Q Or any problems with the school?

A With Mr. Miller?

Q Yes.

A I don't recall talking to Mr. Miller. I have talked to him but not concerning the programs.

Q What efforts did you make to solicit from the teachers generally in that school whether or not the majority of teachers were satisfied or dissatisfied with Mr. Huntley?

A I met with the teachers.

Q But you met with the teachers who called you regarding programs --

A I met the teachers in the library of the school, for example, at an afternoon meeting.

Q Did you talk with teachers who were satisfied with Mr. Huntley?

A There were teachers who expressed satisfaction with Mr. Huntley and in my feeling they were definitely in the minority.

Let's put it this way: I think I talked to two teachers who indicated support for Mr. Huntley. No one else ever approached me concerning support for Mr. Huntley.

Q In other words, you felt they had an obligation to approach you?

A I believe the people can approach me but I was not out running a popularity contest on behalf of or against Mr. Huntley.

Q Now, in the May 25th meeting, the purpose of that meeting was regarding Mr. Huntley's reorganization plan; is that correct?

A And a discussion of the situation at I.S. 33.

Q Was that on the agenda?

A What?

Q Was that on the agenda?

A I don't recall what the exact agenda was but Mr. Huntley was there to present the reorganization plan.

Q Do you remember anybody asking him a question regarding the situation at I.S. 33 on that day?

A I can't recall specifically.

Q In fact, all he talked about was the re-organization plan?

A I believe that was the essence of his remarks.

Q And the previous time he had been there was regarding the number of fires in the school. back in March, I believe?

A He was there concerning the firs which were one part of the situation. The general disorder and chaos in the building was constantly under discussion among myself and members of the Community School Board.

Q Was he asked any questions regarding chaos in the school during that reorganization meeting?

A Not to my knowledge.

Q Did you inform the board that according to the school guards the number of fires had ceased since he had been there last?

A I don't believe I did during that time.

4-2 Q Did you inform the board that the number of untoward incidents had decreased substantially?

A Are you talking about the discussions that followed after Mr. Huntley presented his reorganization plan?

Q At any time.

A During that meeting?

Q During that meeting.

A There was a discussion about the situation at I.S. 33 after Mr. Huntley left.

Q Did you inform the board that the number of untoward incidents had substantially decreased?

A The board was informed that the general disorder in the school was still there.

Q Let me ask you the question again.

Did you inform the board that the number of untoward incidents had substantially decreased in that school?

A You gave me a figure before that there was a

??? decrease from 624, meaning untoward incidents and that generally means someone who enters the building illegally.

I don't keep a day by day account or scoreboard on these things.

We were discussing the general situation at I.S. 33 and I would compile these incidents at the end of the school year. As I say, I don't keep a scoreboard.

Q The reason I ask this is because in the deposition you mention the number of fires and untoward incidents was creating chaos in the school.

A That was a contributing factor. The fact that the children were not in the classroom was the factor contributing to the disorder and there was no education on going.

Q The fires decreased, the number of untoward had decreased. So, let's go now to the number of students in the hall --

A Just a minute. You are saying that now, after the fact, when you have the figures. At that time I indicated there were incidents happening within the school. I told you I don't keep a running account month by month on people entering the school illegally.

Q You did not call for the logs or statistics?

A No, I did not call for the logs that evening.

5 F 0

Q Now, as far as the number of students in the halls, did -- you went into the school from 1972 to 1973, did you say, two or three times?

A Two, three, four times.

Q And you went a couple of times in the fall?

A Yes, something like that.

Q And a couple of times in the spring?

A Something like that, yes.

Q So, as to the number of students that were in the halls, was this from reports you were receiving from other individuals?

A I received these reports from members of my staff at that time.

I also received a report concerning the conditions at I.S. 33 from the State Department of Education and the general feeling was that there was a state of chaos and disorder. This was constantly being brought to my attention.

Q Now, as far as the report from the staff as to the number of students who were out in the halls, who were these members of the staff who made the report to you?

A Supervising principals, various coordinators, supervisors that would enter the building.

Q What were their names?

A The supervising principal is Mr. Hyman Schiff.

Q And he told you he visited the school in the spring of 1973 --

A Mr. Schiff's visits to all the intermediate schools and junior high schools are ongoing. I would say he visits, according to his logs and all, he visits most schools at least on the average of once a week, at least once every ten days. He is quite punctual in his visits.

Q If we had his logs, we would see that he went to that school once a week?

A Approximately.

Q Could you make those logs available to us?

A If they are available.

Q If they are available.

A If they are available.

Q Fine. Did he ever give you anything in writing regarding these observations?

A He reported to me at my regular meetings with him every week or two weeks concerning the situation.

Q I will ask you again:

Did he give you anything in writing?

A I have nothing in writing at this time. Generally, I collect logs from all staff members. They have to submit logs once every two weeks concerning their

visits to schools. If they are on a supervisory level, their observations in so far as regards teachers in keeping with the UFT contract.

Generally speaking, I review the logs at the end of the year. That is one way I have of evaluating my staff.

Q If I may -- and I can then cut off this line of questions -- if I can see those logs and diary --

A No. I don't think you could say diary and those logs from '72, '73, are probably not even in existence --

Q I see --

A (Continuing) Those are confidential reports to me.

Q Right.

I just want to make sure of one more thing. Other than the letters which we have submitted into evidence, I believe, beginning in March correspondence between Mr. Huntley, yourself and a letter in the fall of '72, and another letter, I believe, in October of 1972, regarding the gang problem, do you have any other written documentation regarding the problems Mr. Huntley was having?

A I believe there is a series of letters between myself and Mr. Huntley during the '72-73 school year and I indicated to you before, based on reports from my staff,

that is generally how I evaluate it -- on the times I went to the schools, my conversations with Mr. Huntley, my discussions with Mr. Huntley which led me --

Q I am not really asking for that.

I want to make sure we have everything in writing that is in existence.

A If there is anything else in existence, I will certainly try to look it up.

Is that what you wanted to know?

Q That was my question.

A Sorry. I misunderstood.

Q And one final question -- two questions.

Mr. Huntley's termination, May 25th -- by the way --

MR. HOFFMAN: Strike the question.

Q One of the exhibits introduced on direct was an agenda regarding the public meeting and Mr. Huntley's termination --

A On June 5th, he was officially terminated --

Q (Continuing) -- that agenda and that public hearing was called pursuant to the direction of the Chancellor who said the original termination was illegal, was it not?

A The Chancellor indicated that the final

termination of Mr. Huntley must be accomplished at a public meeting which was on June 5th.

Q The answer is "Yes," the Chancellor held the original meeting was illegal?

A I am trying to answer it.

Q I am trying to expedite things.

Now, the termination of Mr. Huntley resulted in a boycott of the school, right?

A Yes.

(Continued on next page.)

Q It also resulted in the termination of several end of year programs?

A The boycott that you indicated lasted approximately two or three days. One week after Mr. Huntley had been terminated, attendance returned to normal. Once again we monitored the situation. And the pickets at no time went beyond the figure of 12, at least my our count.

There was some feeling -- within the community there was some feeling to allow a cooling off period, the only event that -- one event that I felt was in the best interest of the District and the schools involved was that I did not hold the music festival.

THE COURT: I am sorry, I didn't hear that.

THE WITNESS: I didn't hold the music festival, your Honor.

Q And Mrs. Hoopinally's (ph) count of 40 parents, but I guess that's an error, although you were not there, right? Were you picketing also?

A I don't picket as a superintendent of schools.

Q Well, let me ask you, according to the logs, the number of fires had increased, the number of untoward incidents increased? There was some disruption? Even if the boycott was for two or three days, that's two or three more days that you didn't want students out of school; is that

right?

A Absolutely.

Q Why couldn't this matter wait until the end of the year?

A Because I felt the situation had reached a point that it was my decision to make and I recommended to the board that Mr. Huntley be removed.

Q Now, we had some testimony, MR. Rogers, that at the May 24 and 25 meetings you did not make initial recommendation to terminate Mr. Huntley, but the recommendation was made after the motion was made and seconded? You remember that?

A I remember it. A general discussion where it was -- there was a discussion about the termination of Mr. Huntley. I don't know the termination of MR. Huntley. I don't know the exact dialogue. The meeting was halted and the Community School Board inquired as to what my recommendation would be.

Q My question is, was it after the motion was made and seconded?

A I don't recall.

Q Fine. Would it be fair to say that most of the evaluations are done at the end of the year?

A Yes.

Q Was there any other instance other than Mr. Huntley where somebody was terminated prior to the year being up?

A I have terminated people in my District.

Q Prior to the year being up?

A Before the year even started.

The same year I terminated MR. Huntley I dismissed from service -- not from service -- from the District Office a number of supervisors. I --

Q Before the year started?

A Before the year started.

Q Other than before the year started. I am talking about in the middle.

A You're talking about principals?

Q No. I am talking about anybody.

A Anybody.

Q Just yes or no. Was there any other situation where somebody was fired from the time the year started to the time the year ended? In between?

A Yes.

Q My final question, Mr. Rogers: Did you also cancel the graduation?

A I think it was agreed that there should not be a graduation.

MR. HOFFMAN: I have no further questions.

THE COURT: Thank you.

MS. ROTHMAN: I have a few questions.

REDIRECT EXAMINATION

BY MS. ROTHMAN:

Q You testified before that you had inquiries from the Central Board of Education about the reading scores at I.S. 33, and there was a question about whether anything was in writing.

Were the inquires from the Central Board to you in writing?

A They were to me from Dr. Anthony Polorami (ph.) from his Bureau, which indicated that they thought there had been irregularities. And we looked into the situation. There was a situation where a teacher had indicated that quite possibly she had violated the testing rules. We made that information available to Dr. Polorami and nothing has ever transpired or been followed up by the Central Board. I never heard anymore on it.

Q I have one question on the first -- you were questioned on the fact that supposedly from April until June the first decrease -- am I correct in stating that there is a possibility that some of the fires -- that there were fires from April to June, but they were unreported?

A I think earlier in my testimony one of the problems that we faced was there were a number of unreported fires.

Q How do you know that there were unreported fires? I mean if they were not --

A Let me put it this way. They were not reported officially.

Q How did you hear about them?

A Through phone calls to the office, secondhand information, people calling my executive and saying there were two fires today. And when we questioned the school as to whether there were two fires -- we don't know of two fires. Those were some of the instances.

Q I have a few more questions.

We have this chart here on untoward incidents. And it seems to show that there were only a few in '72-'73.

Now, these untoward incidents -- the word untoward incident, is that a term of art? Does that mean only a serious incident occurring outside the school building?

A Generally, serious incidents concerning people who are not part of the school system. In other words, if a child unfortunately is beaten up in school, that is part of the regular school problem.

Q So that means there could have been many

serious incidents inside the school that were not included in this chart?

A Yes.

Q In fact, were there? Do you know?

A Yes.

Q There is also some testimony before of the fact that it was stated in one of the exhibits -- I think in '71 to '72 -- that Mr. Huntley had eight assistant principals and the next year it went down to six. And you mentioned that that sounded strange to you. And I would like to ask you, does eight -- is that more than the required amount?

A Eight is more than the required amount. Now, there may have orthere may not have been. There probably were people who served I believe, -- for example, there are people who served interim active -- but they are not budget lines.

They may have designated some people in supervisory positions. But it is unheard of that there would be budget positions in the school.

Q Is six --

A Six is a possibility, yes.

Q Six is a full compliment of assistant principals?

A Depending upon the situation.

Q Say, at I.S. 33, if Mr. Huntley had six, did he have sufficient?

A I think that is sufficient.

Q Do you know of any school in the District -- any intermediate school that has more than six?

A No.

Q I want to ask you a question about some discrepancy that was brought up in your testimony before about school guards.

You stated on direct examination that there were more school guards in I.S. 33 than any other school in the district. Yet it says only two school guards and in other schools it states that there were five.

Could you possibily explain that discrepancy?

A Well, according to our records, in my discussion with the business manager and the personnel manager, I.S. 33 was allotted twice the number of hours in school guards and school aides as any other school.

Now, these positions are interchangeable. These figures indicate the number of people who were paid on actual budgeted lines.

In other words, you may use them interchangeably. Insofar as these hours were concerned -- and I will produce the records -- I.S. 33 received double the number of

hours, double the number of any other intermediate school or junior high school, which is the same thing.

Q Am I correct in understanding that when it says school guards on this chart, it does not include school aides?

A Correct.

Q Would you say in general that the parent association was representative of parents of the school?

MR. MEYERSON: I object to that question, your Honor. I don't think the witness can answer that.

THE COURT: Sustained.

Q What would you attirbute the increase in the sixth grade reading scores to?

A I would attribute it to the fact that the feeder schools produce the scores. We found -- for example, talking about the annex, there was a sound basic -- fairly sound educational environment at the annex. Generally in my visits to the annex I found that things moved along quite well.

Q Who actually ran the annex?

A Day-to-day operations were conducted by the assistant principal in charge.

Q You testified before that the parents asked that -- a lot of parents from the feeder school, I think, requested their children not to go to I.S. 33. Was this

during the time that Mr. Huntley was principal or subsequently?

A It was heavy during the time Mr. Huntley was principal.

Q You also testified about some report from the State Department of Education at I.S. 33. Could you --

A No. I -- I indicated that the State Department of Education had visited I.S. 33 and questioned -- not questioned -- criticized the running of the school. They found the school to be in a general state of disorder.

Q When was this?

A This was shortly before Mr. Huntley was removed.

Q And you testified that Hyman Schiff spoke to you frequently about the situation at I.S. 33?

A Yes.

Q What did he tell you?

A Mr. SChiff indicated that the school was deteriorating; that there was a general sense of disorder, chaos. I think I have indicated what Mr. Schiff said. And he has indicated what I have said a number of times.

MS. ROTHMAN: I have no further questions.

MR. HOFFMAN: I will be very brief, your Honor.

RECROSS-EXAMINATION

BY MR. HOFFMAN:

Q When did Mr. Schiff assume his duties as supervisor?

A Mr. Schiff was a supervisor assigned to the District Office previous to my becoming superintendent. In the reorganization I appointed him supervising principal, intermediate and junior high schools. He has been the junior high school principal.

Q When was Mr. Schiff -- when did Mr. Schiff assume his duties as supervisor of principals?

A Supervising principal.

Q Fine. When?

A Upon my becoming superintendent.

Q In '72?

A Yes.

Q One question here. I notice on your deposition you mentioned --

THE COURT: Give the page.

Q On page 35, that your observations were a never-ending series of reports and untoward incidents and abnormal number of fires. So when we asked you about the untoward incidents we asked you to produce the logs for that; is that correct?

A Correct.

Q And you gave us those logs of untoward instances?

A Yes.

Q Now, when you received a report --

MR. HOFFMAN: I will be very brief, your Honor.

Q When you received a report of a fire, you called the custodian?

A Do I normally call ---

Q Did you call a custodian when you received that report that there was a fire which was unreported? Did you call the custodian?

A I had discussions with the custodian.

Q Did you call the custodian?

A Not every time, no.

Q Well, how would you know? Well, didn't the custodian keep the logs?

A He kept the logs on all the fires that were reported to him.

Q How did you know they were not reported unless you called the custodian?

A Because we did call the custodian on a number of occasions. Not all occasions. We -- for example, as I indicated, we had a report of a fire that was contained in

the teacher's closet. I had that directly from the principal.

Q That fire was reported, though?

A It was reported as a fire contained within the closet. When I went to the school the room was very dark.

THE COURT: All right, let's not repeat.

MR. HOFFMAN: I have no further questions.

THE COURT: Thank you.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Call the next witness.

MS. ROTHMAN: Mr. Brande, he's out in the witness room. I will get him.

THE COURT: Get him.

R A L P H T. B R A N D E, called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. ROTHMAN:

Q Mr. Brande, by whom are you employed?

A Local School Board District 22.

Q What is your position?

A Superintendent of the Community School District 22.

Q How long have you been in that position?

A Since February of '72.

Q Where were you employed to this?

A Superintendent in District 14, Brooklyn.

Q For how long?

A From 1967 through February of 1972.

Q Where were you employed prior to this?

A Principal of P.S. 257, District 14 in Brooklyn, from '63 to '67.

(Cont'd on next page)

Q Did you hold any other positions in the New York City Board of Education?

A I was supervisor of Audio and Visual Instructions from '58 to '63; and a teacher from '45 to 1958.

Q What is your educational background?

A Graduate of Brooklyn College, Teachers College, Columbia, graduate work at Hofstra University.

Q Are you a certified superintendent?

A Yes, I am.

Q Were you superintendent of District 14 when Claude Huntley was employed as acting principal?

A Yes, I was.

Q Did you give him a rating during that time?

A Yes, I did.

Q What was the rating?

A For the school year 1970 to '71 he was rated satisfactory.

Q How long had he been there at that time?

A He had been in the job from September of 1970 to June of 1971.

Q What criteria did you use in coming to this evaluation?

A Well, the same criteria of rating all the principals. The manner in which the school functioned, the operation of the school.

In Claude's case, the fact that it was his first year on the job, that he had had no experience as an administrator or supervisor. In essence that first year was a learning situation for him.

Q When you rated him satisfactory, did you have any doubt or qualms about that rating?

A Yes, I did.

Q What were they?

A I felt that during that first year he was not functioning to the degree that I would have appreciated in carrying out his job. But that first year was a rather difficult one for him since previous to that he had not had any opportunity to work in an intermediate or junior high school and certainly had not been in any administrative or supervisory capacity.

Q Did you provide him with support services during that year which you otherwise might not have given him?

A Yes, I think I did. In addition to meeting Mr. Huntley at the regular principal conference there were visits to the school, meeting with Claude a few times during the course of the year.

And in addition I permitted Mr. Huntley something that hadn't been permitted with other principals. That was bringing into the district people for his cabinet or staff

that ordinarily we might not have put back into the district or taken into the district.

Q Why did you do that?

A I felt that Mr. Huntley needed all the support he could get and that if he were able to have people that he had trust in and felt that he could work with, that this was important to him and to the kids in the school.

Q How would you compare the support you gave Mr. Huntley as to the support you gave to other principals in the district?

A He received more support than the others did.

Q Why was this?

A He was a new principal. He was in a difficult school. He needed help.

Q Do you recall the circumstances under which Mr. Huntley was hired?

A Yes, I do.

The school had a vacancy as of April 1, 1970 when the then principal of the school, Mrs. Sidney Klevorick was transferred to a new -- to open up a new school in another part of the district.

And at that particular time administratively Mr. Herbert Fox, one of the assistant principals, was made acting principal.

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And then we followed the procedures which had been set up prior to the decentralization in the year '69-'70 for the selection of a new principal. And as was required by the procedures, we circularized those people who were then on the junior high school principal list, interviewed several of them, and I made a recommendation to the then Local School Board for a Mr. Dominick Mesari (ph) to be the principal for the year and gave them two other names as well.

Mr. Mesari was accepted by the Local Board at that time. And this was made a public announcement. Mr. Mesari was then invited by the Parent Association of Junior High 33 to meet at the junior high school and to discuss his educational philosophy with the parents and other interested parties.

(Cont'd on next page.)

Q Yes?

A Mr. Mesari appeared at the junior high school, there must have been an attendance of about 30 people, and he was questioned by the parents, gave his philosophy, indicated what he was intending to do and there was a question and answer period.

At the end of the question and answer period Mrs. Ada Pratt, then the PA president of 33, indicated that she would introduce Mr. Huntley, who was the parents' choice to be principal.

Mr. Huntley was then given a question and answer period, stated his philosophy of what he would do to improve the school, and at that point, according to the minutes of the meeting, which I did not attend, Mr. Huntley and Mr. Mesara left the room and a vote was taken as to who should be the principal of the school.

The next day Mr. Mesari telephoned my office and indicated to me that he wanted out, he didn't feel he could walk into an atmosphere that was not conducive to what he felt would be a harmonious relationship.

I asked him to put it in writing. He did.

I responded with a letter apologizing to Mr. Mesari for what I felt was an uncalled for situation. At that point we had no principal and at the end of the school year -- June, Mr. Fox, who had been acting principal, had

transferred to another school. I went on vacation for the month of July. I came back in August and I found that the newly elected decentralized Community School Board had selected Mr. Huntley to be the principal of the school.

BY MS. ROTHMAN:

Q What was your reaction, if any, when you heard that Mr. Huntley was selected?

A I was a little upset. I felt, number 1, that there had been a violation of the State Board which required a recommendation by the superintendent before a person could be selected by the Board.

Secondly, I felt that there were people who were qualified to be principal of the school, who were not asked and certainly had not been approached, and I let the Board know that I just felt that this was poor judgment on their part.

Q Did you feel that Mr. Huntley was elected because of some pressure within the community?

A No, there was no doubt in my mind that there was pressure.

Q From whom was this pressure, do you know?

A Well, we had several very active community groups. We did have at 815 Broadway the full point of much of the pressure, the Williamsburgh Poverty Agency, several

church groups, St. Johns Lutheran, Southside Admission, St. Johns Configuration Group; there was pressure to bring more black and Puerto Rican supervisors into the community at that time and the Parents Association of course, was very much interested in who would be the principal.

Q Was there anybody else in the District that you asked to be principal that you felt would be a better principal than Mr. Huntley?

A Yes, I had asked Mrs. Dorothy Straker, who was one of the assistant principals in the school; I had seen Mrs. Straker operate the annex, I knew her capabilities, I knew her potential, her background and felt that she would make an excellent principal and she turned down my offer.

Q Did you work much with Mr. Huntley during his first year?

A I would say I worked as much as and possibly a little bit more than I did with the other principals in the District, because of the fact that he did not have -- most of the principals had been there for several years, were in well established situations.

Mr. Huntley was moving into a situation which he did need help in, and there was a little more activity with him than with the other principals.

Q Did you find that Mr. Huntley was responsive to

your advice or suggestions?

A Yes. Mr. Huntley always indicated he would take the advice. I think working in a relationship as one person to another there was no question that it was a mutually good relationship.

When we discussed certain of the problems that they had in the school, he would agree that things ought to be done to change these situations and then later on we would find that sometimes they were changed, many times they were not changed.

Q So you are saying that in fact he did not implement many of your suggestions?

A Some of the suggestions were not. Some of them possibly were beyond his control.

Q Could you describe the general situation at I.S. 33 during that first year?

A I.S. 33 contained the 7th and 8th grades. The 6th grade was down at the old 126 on Meserole Street in Greenpoint and the youngsters were being bused there, a situation which had prevailed for about two years before Mr. Huntley became the principal.

33 was not an easy school. It was fed by a great many schools from within our own district and from outside of the district.

33 had more than it's share of problems and it was probably on a par with Junior High School 49 in the district as far as being a school that had a great deal of difficulty in that it had a turn over of staff; there had been a problem for years relative to maintaining more than a nucleus of dedicated teachers. It was a difficult job.

Q Would you say that 33 was a viable school?

A Yes, It was a viable school.

Q Do you think that an experienced administrator could have handled the school situation well?

A I think an experienced administrator probably would have had problems, but at the same time I think they would have been not as legion as we were running into.

Q How would you compare Mr. Huntley to the other principals you have supervised both in District 14 and District 22?

A I'd say that in District 14 Mr. Huntley was, during that first year, probably pretty close to the bottom as far as administration and supervision was concerned.

Q In your experience as a superintendent since 1967, were there any principals who you would rate worse, lower than Mr. Huntley?

A I can just think of maybe one or two, yes.

Q If Mr. Huntley's performance had not improved during the second year would you have given him a satisfactor rating?

A I would have had to consider giving him an unsatisfactory rating.

Q Were there requests that year from parents to have their children removed from I.S. 33?

A One of the problems we did have, and I am sure Mr. Huntley had there, was in a great many cases the parents of some of our best kids would use every device possible not to have the youngster go to 33.

Q Who ran the annex of I.S. 33?

A Mrs. Dorothy Straker, and for one term Mrs. Margaret Rogard, when Mrs. Straker was on sabatical.

Q From the time Mr. Huntley became principal to the time he left how would you assess the situation at I.S. 33? Would you say it improved, stayed the same or got worse?

A I would say it was pretty much the same; stablized.

Q It stayed the same?

A Yes sir.

Q If you had been responsible for hiring a principal at I.S. 33 would you have hired Mr. Huntley?

A I didn't recommend Mr. Huntley.

Q You did not recommend Mr. Huntley?

A I had not recommended Mr. Huntley.

Q And in your professional opinion was this a poor choice?

A Yes.

MS. ROTHMAN: I have no further questions.

(Cont'd on next page.)

CROSS-EXAMINATION

BY MR. MEYERSON:

Q Mr. Brande, I just have a few questions to ask you. My name is Jimmy Meyerson, and I represent, with Mr. Hoffman, Mr. Huntley.

At the end of the first year you did indicate you gave him a satisfactory -- Mr. Huntley -- a satisfactory rating; is that correct?

A That is correct.

Q And at that time did you give him anything in writing indicating that there were problems with his performance?

A Nothing in writing, no, sir.

Q Did you indicate to him at the time you gave him that satisfactory rating orally that there were problems with his performance?

A No. The satisfactory rating is a written statement on an official OP 11 or one of the other Board of Ed forms, indicating satisfactory or unsatisfactory, and no shades in between.

Q You indicated that you provided him with supportive services; is that correct?

A I indicated, yes.

Q And you mentioned that you brought in some

people?

A Mr. Huntley requested certain people be brought into the school from out of the district.

Mr. Miller was one of the people, Mr. David Silver. In one instance, against both my better judgment and advice of colleagues from out of the district, I acquiesced to Mr. Huntley's request.

I spoke with him about it. I indicated to Claude the fact that this fellow might give you a hard time and Claude said, "Look, I can take care of it. I am my own boss. I'll handle it. I'm the principal of the school." And that was it.

Q Was he pretty firm in making decisions, Mr. Huntley?

A Well, relative to that person, yes, definitely.

Q Would you say that as a result of the support that you provided, Mr. Huntley's performance improved?

A I wouldn't say noticeably, no, no dramatic changes of any nature.

Q So you are saying it didn't improve?

A That's correct.

Q And you've changed your mind, I take it, since January 28, 1975 when you said on page 31 of your deposition:

"Would you say that as a result of the support

Mr. Huntley's performance improved"?

"Answer: I would have to say yes."

A I indicated no dramatic changes.

Q It did improve, on page 32 -- "Answer: Yes.

"Question: Did it improve to a substantial degree?

"Answer: No."

A No dramatic changes. I will accept that I said that on that date, yes, it did improve but not dramatically.

Q Is it fair to say that Mr. Huntley, in your opinion, was brought into the district as part of an affirmative action, effort on the part of the Community School Board and personnel that you worked with?

A I would think that would be fair to say.

Q And I take you felt in your professional opinion that he was not particularly experienced for this position; is that correct?

A I believe I indicated so.

Q And it is your professional opinion that even experienced administrators would have had problems with this school?

A I think they would have had some problems, yes.

Q And you indicated that if Mr. Huntley had not

improved to any substantial degree over the next year and you had had the opportunity to rate him by being still superintendent of District 14 you would have recommended an unsatisfactory?

A I probably would have recommended unsatisfactory.

Q Would you have recommended his termination from the District?

A That might be a natural consequence of the unsatisfactory. It's very possible.

Q Well, isn't it true that you could have recommended that he be transferred to another position within the school, District Office, principalship, if there was such a principalship?

A Not necessarily. The gentlemen would not have had tenure at that particular time and if there were any reasonable doubt in my mind that he could not do the job as an administrator I might not have recommended him. There might be mitigating circumstances.

Q Well, I just posed a hypothetical to you using Mr. Huntley, and in your deposition -- I posed the same hypothetical to you without using Mr. Huntley's name, and I indicated to you then on pages 29 and 30, "May I pose this hypothetical to you: What about a district which has been

traditionally white at a supervisory level and you bring in a principal, a black man, in as part of this affirmative action, trying to get people into the administration; he fails in that particular position for a lot of reasons, including lack of training, and you want to get him out of the school for the kids' sake, would your professional opinion be to terminate him outright or try to attempt to fit him into another supervisory capacity in the central office?

"Answer: If I were to bring in someone in an effort to achieve this affirmative action, I would feel an obligation to provide for that person if they had not succeeded in the job they were given, yes."

A I would say the same thing today. If I were to bring in someone who I felt was qualified to do the job by reason of training and background, and if that person did not succeed in the task to which he had been assigned, I would have felt a moral obligation then and now to provide for that person that I had brought into the district.

Q Well, in my hypothetical then and in my question now I particularly indicated that the individual did not have training, as you felt that Mr. Huntley did not, and I ask you, given that factor, given the fact that he failed for a variety of circumstances, including the lack of train-

ing, including the difficult situation, and assuming that you had to do the unfortunate thing of making an evaluation and of making a negative one, would you recommend --

A I wouldn't have brought the person into the job in those circumstances.

Q But in --

MS. ROTHMAN: I object, because you are not stating the entire quote, Mr. Meyerson.

The entire hypothetical is bringing in the principal as part of your affirmation action program, and he is saying if he would have done that, but you are just cutting out the end of it.

Q You are indicating --

THE COURT: Objection overruled.

Q You are indicating that Mr. Huntley was brought in as part of an affirmative action.

A I would assume that was on the school board's mind.

Q Even though you didn't bring him, and you would have had questions and he failed after two years, would you have, when you said to the Board, "Hey listen, he failed. You know, you brought him in over my objection, he wasn't trained, there are a lot of problems in that schoo, but, you know, you did bring him in under an affirmative action

program."

Would you have made a recommendation with your unsatisfactory rating that he should have been transferred to another position in the District Office or otherwise to another less difficult school?

A I don't think so.

Q Was there any school in this district anymore difficult than I.S. 33?

A I think Junior High School 49 was, yes.

Q At the point in time when there were fires in I.S. 49 did you take action against the individual or problems in I.S. 49?

A I.S. 49 at the time that I was in the District for a couple of years was the District headquarters. We had, I would say, a rash of fires over a period of a couple of years, fires done at night, over weekends.

We had a normal compliment of fire alarms being pulled during the day. The principal of the school at that particular time took those necessary measures as the principal of a school and a responsible person of a school to effect some measures of security and the custodian of the school, I remember on several occasions -- they knew there were breakins, they had tried in some way to prevent access to the school.

This was done as part of the principal's normal responsibility. That was not basically my responsibility. That's why he was the principal of the building.

Q Did Mr. Huntley, during your first year, institute any academic programs at the school, new academic programs?

A I really couldn't answer that. I don't recall.

Q Would that be a consideration that you would take in evaluating somebody, whether or not he was innovative in bringing in new programs?

A Yes, I would consider that.

Q Isn't it a fact that MR. Huntley brought in the SP Program in that school over your objection?

A No, it is not.

Q He didn't bring it in over your objection?

A The policy of that particular district during the time I was superintendent was that the SP youngsters were funnelled into one of the other schools because we clustered them; we didn't have a large number of SP youngsters and those who were going to 2-year SP would go to one junior high, I think it was 50 and those who were going to a 3-year SP would go to 126.

One of the things that was talked about was that it would be good for that particular school community if we were able to set up a program to keep good youngsters in and if a program was set up, it was set up, number one, without my knowledge, and, number 2, without being too well publicized.

Q You don't know whether there was an SP Program there?

A I really don't believe that he had an SP Program in that first year, that he instituted an SP Program.

I know it was discussed as a factor keeping the youngsters in.

Q Was there historically in your tenure in that District an effort motivated -- educationally motivated children to go out to other schools rather than I.S. 33?

A It was a fact in the district, a policy in the district that we would cluster the SPs because there just weren't sufficient quantities in each of the schools, so we drew those youngsters and offered them the opportunity as was required by the Board of Education regulation to attend an SP class.

I indicated two of the schools had been selected for that purpose.

Q What schools were those?

A Junior High School 50 and Junior High School 126.

Q Do they have a majority white population relative to the other schools in the district?

A No, they don't.

Q They have more white students than I.S. 33?

A Yes, they do.

Q While there were fires at I.S. 49 did you attribute those fires to the principal in terms of responsibility for administration of the school?

A Yes, it was his responsibility to try to the best of his ability to make that school secure.

Q And what did you do as a consequence of the fires at I.S. 49?

A I didn't do anything. The principal did.

Q What did he do?

A He set up the rules and regulations with his staff, worked with his custodian and carried out his functions.

Q Are you aware if Mr. Huntley did that in your year as superintendent?

A In that first year I only remember one fire in 33 and that was a classroom on the second floor which was pretty smoked out and the hall was -- there may have been

others, but that was the only one of significance to my knowledge.

Q What individuals again did you say that you brought in to assist Mr. Huntley, Mr. Silver --

A Mr. James Miller, who was brought in to be an assistant principal, and Mr. David Silver.

Q Were there any other individuals?

A There may have been. I really don't recall.

Q Were there additional supportive services other than individuals?

A I would have to review exactly what the compliment in each of the schools were to see how much additional might have been given to them. I don't recall that now. I do know that with the annex there had to be additional positions to help them out because we had divided the school into two parts and as a result there was always an additional allotment given.

Q Did the existence of an annex, in your opinion, make administration of I.S. 33 as a whole more difficult than the other schools in the district?

A No.

Q It would not cause any additional problem, in your opinion?

A No, because I think what the addition of the

annex did was to give the main building the 7th and 8th graders a little more elbow room, a little less crowded, an opportunity to work with the older youngsters, and it provided the 6th graders with really a sub-school away from the influence of the older youngsters and in an atmosphere which was conducive, I think, to a better education.

(Cont'd on next page.)

MR. MEYERSON: I don't have any further questions.

THE COURT: Any redirect?

MS. ROTHMAN: I have one question or two.

REDIRECT EXAMINATION

BY MS. ROTHMAN:

Q Do you feel that Mr. Huntley during that first year was taking the necessary educational steps to improve the situation at I.S. 33?

THE COURT: I think this is improper redirect.

MS. ROTHMAN: Okay. I then have nothing further.

THE COURT: Thank you very much, sir.

Next witness.

MS. ROTHMAN: No, I am not going to call anymore today.

THE COURT: Are you through for the evening?

MS. ROTHMAN: Yes. I would like to continue on Friday morning.

THE COURT: At 10:00 O'clock?

MS. ROTHMAN: At 10:00 O'clock.

THE COURT: Yes.

MS. ROTHMAN: I would hope we can finish.

MR. HOFFMAN: We may have a couple of very

brief rebuttal witnesses.

MS. ROTHMAN: Shouldn't I have notice?

MR. HOFFMAN: They will be the same witnesses that we have already had.

MS. ROTHMAN: All right.

THE COURT: Good night, thank you very much for your help.

(Thereupon at 6:10 p.m. an adjournment was taken to Friday, February 14, 1975 at 10:00 a.m.)

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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CLAUDE L. HUNTLEY, JR.,

Plaintiff,

-against-

COMMUNITY SCHOOL BOARD OF BROOKLYN, NEW YORK COMMUNITY SCHOOL DISTRICT #14, etc., et al.,

Defendants.

----------x

73-C-1775

United States Courthouse
Brooklyn, New York

February 14, 1975
10:00 o'clock A.M.

B e f o r e :

HONORABLE JACK B. WEINSTEIN, U.S.D.J.

JOSEPH BARBELLA
OFFICIAL COURT REPORTER

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Appearances:

JAMES I. MEYERSON, ESQ.
-and-
THOMAS HOFFMAN, ESQ.
Attorneys for Plaintiff

DEBORAH ROTHMAN, ESQ.
Attorney for Defendants

(In the Judge's chambers)

THE COURT: The conference in chambers was requested by counsel for the plaintiff. What is the application?

MR. MEYERSON: Your Honor, we have subpoenaed three rebuttal witnesses, all of whom are employees of Community School District 14, and having talked to each of them, there is some reluctance on their part to testify as plaintiff's witnesses because of pressures that they feel, whether they be real or not, but which they nevertheless feel, that they may be subjected to pressures if they were to come on and testify.

We are requesting that their very limited testimony be the testimony so to speak of a court witness and that such be made known in the courtroom.

THE COURT: What are their names and how long will they take on direct?

MR. MEYERSON: Mrs. Dorothy Straker, who is the day-to-day administrator -- formerly of the annex, who would take all of about five minutes on direct. Mr. B. Gibbs, who is an assistant principal at L.S. 33, and was under Mr. Huntley. Again, his testimony would take approximately ten minutes.

His testimony is related to the testimony in rebuttal that Superintendent Rogers gave. Mrs.

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Straker's testimony will deal with her relationship with Mr. Huntley vis-a-vis the annex.

These two witnesses -- we subpoenaed three but we believe those are the two witnesses.

THE COURT: What is the position of the corporation counsel?

MS. ROTHMAN: I strongly oppose this application. In the first place, I think no proof of actual harm has been shown. But secondly and even more important, I think for the Court to accept plaintiff's application, it's making a serious pre-judgment of bias against the very community school board who we are trying to prove here acted in an objective manner.

In the third place, I think there have been many cases -- I know there have been many cases in my office where people who are employees of the Board of Education, have testified against the Board of Education, there have been no repercussions.

In the Hart case, there is a man, Mr. Zelon testified against the school -- testified that the school should br rezoned, in Franklin K. Lane in the DeFellis case with Judge Dooling, the principal testified against the Board of Education and if someone is in fact improperly treated as a result of testifying, they do have recourse and I feel that it's

serious pre-judging the Community School Board in an instance where no proof has been shown.

This has been done before and I think even in the witness's mind there might be some problem about why they are being called by the Court.

THE COURT: Is this a feeling they have expressed to you in both cases?

MR. MEYERSON: Yes, your Honor.

THE COURT: They will be called as Court witnesses. Make it very brief.

Proceed. Let's go outside.

MS. ROTHMAN: There is one more point I'd like to make, I don't know whether on or off the record --

THE COURT: If there is any doubt, make it on the record.

MS. ROTHMAN: I don't know if the Court was aware the other day, when you ordered the witnesses to be sequestered, that a few of the witnesses who were sequestered, were defendants and I feel that is improper --

THE COURT: That is correct. They can stay here.

MR. HOFFMAN: Just for the record, we are not implying that the Board is going to take any action against these witnesses.

THE COURT: All right.

MS. ROTHMAN: I spoke to these witnesses, they said they didn't want to be involved.

(In open Court)

MS. ROTHMAN: Will the record reflect that these rebuttal witnesses were subpoenaed by the plaintiff?

THE COURT: No. We have a sufficient record on it. They will be called as Court witnesses.

Call the next witness, please.

MS. ROTHMAN: Thomas Strohmenger.

T H O M A S C. S T R O H M E N G E R, called as a witness, having been sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MS. ROTHMAN:

Q What is your occupation, Mr. Strohmenger?

A I am an attorney.

Q What is your position in Community School District 14?

A At the present time I am the first vice president of the school board.

Q How long have you served on the school board?

A It will be five years this coming July.

Q What are the responsibilities of a member of the Community School Board?

A Well, basically we are charged with hiring of administrators and teachers and supervising the general educational tone of the district.

In certain instances, we have control over certain materials that are used in the schools. We, along with -- myself along with the other board members, decide where schools will be built and recommend also to the city what we think our budget needs will be for a particular coming year, or where our needs will be in a particular building of new schools.

We also, under our signature programs, go into the Federal Government for Title 1 funds and for State Urban funds.

Q How are people appointed to the community school board?

A We are elected to the school board.

Q By whom?

A By the vote of the people. It's done under proportional representation.

Q Were you on the board at the time that Mr. Huntley was voted acting principal?

A Yes, I was.

Q Did you vote to hire him?

A Yes, I did.

Q Do you remember what the vote was to hire Mr. Huntley?

A I really don't remember the exact vote, but it was probably a unanimous vote of all the members present. I really don't recall. I know I voted for him.

Q Why did you vote for him?

A Well, at that time I felt he was qualified -- on paper -- he had at least the paper qualifications. Which we felt were enough. Although later on we became embroiled in a lawsuit as a result of our appointment of Mr. Huntley.

Mr. Huntley had been in, I believe, an elementary school and he was appointed as acting principal in an intermediary school. The CSA, which is the Council of Supervisory Associations, brought a suit --

THE COURT: No, that is not the question.

Q Prior to hiring Mr. Huntley, did you know that the Council of Supervisory Associations would institute a lawsuit against you?

A They had threatened, yes.

Q Did the Council of Supevisory Associations ever harrass or threaten you personally?

A Well, they had brought an act for criminal contempt against the school board and at the time I was in law school and in a very roundabout way on the court steps

outside of the courthouse, the attorney indicated to me that I might have a difficult time getting admitted to the Bar if I were held in criminal contempt.

Q And did you back down or did you --

A No.

MS. ROTHMAN: At this point I'd like to introduce into evidence Defendant's Exhibits BB and CC marked for identification. One is a telegram to the Community School Board from the -- from one of the people at the Council of Supervisory Associations, telling him that he would be held in contempt of Court. Another one is an order to show cause to punish for criminal contempt.

THE COURT: Any objection?

MR. MEYERSON: No objection.

THE COURT: Mark them.

THE CLERK: Defendant's Exhibit BB marked in evidence. Defendant's Exhibit CC marked in evidence.

(So marked)

BY MS. ROTHMAN:

Q Do you remember if there was any offer by the CSA to withdraw the contempt proceeding or the lawsuit if you dropped Mr. Huntley?

A Oh, yes, most certainly. They told us that

they would drop the criminal contempt, and , of course, the lawsuit if we removed Mr. Huntley.

Q In the face of all this opposition, did you consider dropping Mr. Huntley?

A I personally was scared, but at no time, you know, did I change my views. I felt that we had made that decision and at that time I felt it was the right decision and we were going to go through with it. I felt personally, no matter what the cost, that this was something that we -- that I had to do.

Q Were you one of the members of the board that voted to terminate Mr. Huntley in June of 1973?

A Yes, yes, I was.

Q Do you remember how many people voted to terminate Mr. Huntley?

A Seven.

Q Do you remember their names? Let me ask you another question: Do you remember if any of these people that voted to terminate Mr. Huntley were among the people that voted to hire him?

A Yes.

Q Could you name those people?

A Brother Lally, myself, Mr. Mygalski, Mr. Martinez, Mr. -- I believe Mr. Bonomo was present when we

hired Mr. Huntley, and he also voted to terminate Mr. Huntley. And Mrs. Fisher, who voted to terminate Mr. Huntley, was an appointee. Rabbi Pincus having resigned to go to Israel, so she voted to terminate Mr. Huntley, but she was not on the board at the time.

Q What about Mr. Mygalski?

A Yes.

Q Mr. Mygalski was also on the board --

A Yes, he voted to hire and he also voted to terminate.

Q On what basis do you come to this decision?

A Well, I myself had been approached by parents that I had never met who held themselves out as parents from 33 who had -- let's say, after school board meetings, would approach me and complain about the conditions there.

Teachers, and of course, Mr. Rogers. And I was at 33 on a couple of occasions and one thing I always felt when I was there -- let me explain something to give you an idea of the context. Each member has -- is a liaison member to certain schools. In other words, we have broken up the district so that it's easier for the school board to get reports from each school.

Now, over various periods of time, I've had Junior High School 126, P.S. 59, which was one of the feeder

schools to I.S. 33, P.S. 147 and P.S. 250. I don't want to draw a comparison between the elementary schools and the intermediate schools, because of the slight age difference, but going through Junior High School 126, I found that the halls were maintained, the order was maintained much better than in 33.

I live next door to the annex, or what was the annex of I.S. 33. My house is connected to the annex of I.S. 33, the building has the same partition brick wall, and I can also say, that the annex was maintained in a much better tone, in much better order than the main building.

Unfortunately, we did have some problems with some students over at the -- students who were not part of the annex, who did throw rocks at the buses, but the community -- there was a meeting with the community and that was taken care of.

But the tenor of the school itself, the students in the annex were much -- was much better than the main building.

Q So, to what do you attribute that?

A Well, I believe it's Mrs. Straker who was in charge of the annex, and she -- I felt she was a very good administrator. Mr. Toback, and before him Dr. Kerstein, who had -- excuse me, it's Dr. Toback and Dr. Kerstein who

were the principals at Junior High School 126, kept good order at their school.

I think it's the duty of the principal to set the tone for the school, to be able to pull all the segments, teachers and the students together to form an orderly school itself. I don't think Mr. Huntley was able to do this.

Q Did you ever meet with groups of teachers, you personally, from I.S. 33?

A Yes.

Q Did the teachers ask to meet with you or did you ask to meet with them, or what happened?

A Well, the teachers approached me on occasion and complained about the situation over at 33, and I think it was more of a mutual type of thing, you know, I wanted so see how they felt and they wanted to express their feelings to the members of the school board and --

Q So these were teachers that approached you personally?

A Yes.

Q Do you know how many, approximately?

A It must have been at least a half dozen.

Q What about teachers meeting with the Community School Board, were there ever any meetings with teachers in the Community School Board?

A To my memory -- my memory is a little vague on this, but I can recall some meeting that we had. I don't know how many school board members were there or attended th meeting, but we did, as best as my recollection serves me, that we did have a meeting with teachers in reference to the conditions at 33.

Q When did you first hear that the conditions in 33 were bad?

A Well --

Q Mr. Huntley was terminated in June, 1973.

A I started to become aware of problems, I would say, somewhere in the September, October of '72 area, and it seemed like it sort of snowballed after that; you know, the problems got worse and people complained more and then, of course, the situation with the fires, and there was one instance that Mr. Rogers related to us about students who were trapped in the -- one of the hallways leading down because one, the doors were locked, and -- during a fire, and they couldn't leave the building because of that.

Q Do you know how many students were there?

MR. MEYERSON: I didn't hear that question.

Q Do you know how many students were involved?

A I don't recall. The number 30 sticks in my mind. I can't be sure.

Q Why were the doors locked?

MR. MEYERSON: I object to that question. How does he know why the doors were locked?

THE COURT: He was at the meeting. He may have heard.

Address yourself to me. You are relating what Mr. Rogers said to you?

THE WITNESS: Yes.

THE COURT: It is permitted on the state of mind of the members of the board and the reasons they took action.

THE WITNESS: Well, Mr. Huntley -- under Mr. Huntley's direction, in order to maintain order, he would lock certain doors. Now, in order to prevent students from leaving and from outsiders coming in -- all right? This created a problem because fire exits are locked so that the students can't get out in the event of an emergency, and, you know, you could have a very, very serious problem. Frankly, after a while I became afraid that someone would get killed.

BY MS. ROTHMAN:

Q Was Mr. Rogers of that belief, too?

A He was of that belief, also. He felt the same way.

Q Did he specifically say that to the board, if you remember?

A He did. He said it to me at least on one occasion personally, and he did say it to the board as a group, at one of our executive board meetings.

Q That he was afraid someone would get killed?

A Yes.

Q At L.S. 33?

A Yes.

Q Are you familiar with a report of Sally Fisher?

A Mrs. Fisher went over to the school and did furnish a report to the school board, surely, though, I don't know if it was a written report or a verbal report. Mrs. Fisher was upset at the situation over at 33.

Let me explain something, Mrs. Fisher was a -- a member of the school board that had gone around to most of the schools after she was appointed on the school board, had sort of made the rounds of all the schools and she went over to 33. She also had a little more time than most of the other school board members in the daytime so she was able to go to a lot of schools and be there and watch what was going on.

She did come back to us and tell us about the conditions. Whether it was a written report of an oral

report, I don't remember now. If it's written, it might still be on file with the school board.

Q Did you ever ask Mr. Huntley -- when I say, you, I mean the board, to come personally before the board during the 1972 -- '73 school year?

A Mr. Huntley did -- he approached me on one occasion and said he needed assistance at 33. We did have a meeting with Mr. Huntley and he expressed the feeling that he couldn't handle the situation the way it was over there, that it sort of had gotten out of hand.

THE COURT: Fix the time and place.

THE WITNESS: I would think this was shortly before Mr. Huntley was terminated, your Honor. I would say April or May, the latter part of April, early part of May, somewhere around there, maybe even later.

Q Could it have been following the May 2nd executive meeting?

A It may have been. It was in that time -- it was in that area, that beginning of May-end of April.

Q But it was before the May 24th meeting?

A Yes, I believe so.

Q Where was this meeting held?

A I believe it was held at our district office.

Q So, when Mr. Huntley said he couldn't handle the situation, what was the response of the Community School Board?

A Well, they were a little astonished. We had been very upset over the situation at 33. I personally was a little disappointed. I had thought Mr. Huntley would make an able administrator and a good principal. Our first concern was really for the children and what to do. We felt that the situation wasn't going to get any better under Mr. Huntley and that our only recourse then, you know, was to terminate him. We had tried to give him assistance. Mr. Rogers, I believe, had given him more security guards -- in fact, we had an annex because there was a situation of overcrowding.

Since then that situation had diminished to a point where the annex has been able to be brought back into the main building. But even though we had more security guards in the main building, it was my belief we had more security guards in the main building than we did in any other school.

Q Did you discuss the fires at this meeting with Mr. Huntley?

A Yes.

Q Go on.

A Mr. Huntley felt that teachers might be starting these fires.

Q Did he say that?

A Well, I don't remember if he exactly said that, but he was talking about a conspiracy and that there were certain dissident teachers who were -- who would not want to see him succeed.

Q Did he make any suggestions about how to alleviate the fires, or did he ever implement any suggestions that were made to him?

A I remember I sent out a letter to the parents asking for volunteers and assistance from the parents to help in the situation.

Q Did you receive complaints from the parents?

A Yes.

Q What were the nature of these complaints?

A Well, mostly they complained about the fires and the lack of order in the school, and we did get -- I got one complaint from a parent. Mr. Huntley had invited a gang, and the reverse was happening, instead of the students seeing what the street gangs were really like and not liking them, they were joining the street gangs, you know, and that was the complaint that I got.

MS. ROTHMAN: It was mentioned by Mr.

Strohmenger that there were more security guards in I.S. 33 than in any other school in the district, and there was discrepancy in the testimony the other day and I just received some information from District 14 about the school aids. I think Mr. Rogers testified that there were more school aids and they call school aids security guards, they use these words interchangeably, I guess. I was wondering whether I could introduce this.

THE COURT: Show the documents to opposing counsel.

MS. ROTHMAN: Also the school payroll here is here as evidence.

THE COURT: Show it all to opposing counsel and see what their views are .

MS. ROTHMAN: We also have requests made by parents for transfers from I.S. 33.

THE COURT: Continue, please.

BY MS. ROTHMAN:

Q Do you remember the parents from I.S. 33 requesting that the children be transferred, did you ever have requests of that nature?

A I know there were requests but I don't believe any of them came personally to me, the requests. They would

go-- during my tenure as a school board member there, I have gotten requests from parents, but before I went into it, I would also refer it ot Mr. Rogers because the individual school board members have given that over to Mr. Rogers, it's an administrative task, and I have been approached but I can't say if it's been for I.S. 33 or -- it may have been, but I couldn't give you an answer on that. I know there were -- I know for a fact though that we have had requests, a number of requests for transfers. I don't know the number and I don't know the names of the people who requested them, but I got this from Mr. Rogers at one of our executive board meetings.

Q Prior to the May 24th meeting, when you first voted to terminate Mr. Huntley, was there discussions during the year about terminating him?

A Well, there was discussions of what we were going to do, and that was always an alternative and it was an alternative that one doesn't like to use except as a last resort.

Q Do you know if there were any other non-tenured personnel that were recently terminated in District 14?

A I believe we had a teacher who was untenured who we recently terminated.

Q Would you know if this teacher got charges --

strike that question.

MS. ROTHMAN: I have no further questions.

CROSS-EXAMINATION

BY MR. MEYERSON:

Q Mr. Strohmenger, my name is Jimmy Meyerson and I am one of the attorneys for Mr. Huntley.

You indicated that a number of parents approached you personally?

A Yes.

Q When did they do that, approximately?

A Well, I would say it would be after school board meetings, and it wasn't a number of parents at any one meeting, it was -- let's say from the period November to April. How people would approach you is either before or -- as most usual, after a school board meeting, when everyone is leaving, you know, a parent would come up and speak to you.

Q Are you aware of whether those parents had children in I.S. 33?

A I assumed they did because they were concerned, they said, for the safety of their children.

Q You didn't personally know those parents, did you?

A No.

Q Did you ask them if they had discussed this matter with Mr. Huntley?

A A few I did and I believe they -- a few of them would give me the answer like, "It's not going to do any good." And a couple mentioned something about the PTA.

(Continued on next page.)

CROSS-EXAMINATION

BY MR. MEYERSON: (Cont'd.)

Q Did you ask them if they had discussed it in the Parent Association meeting?

A I think that's what they said to me, that they discussed it with other parents or at the PTA. I don't recall which.

Q Over this period of time from November to April, can you give me an approximation of how many parents came to you personally, 300, 10, 50, would you know?

A Not that many. Maybe it would be 10, 10 or 15.

Q Do you recall a name of any one of those parents?

A No. As a matter of fact, I never asked for names. Maybe I was remiss in doing that.

Q You have indicated as well that some teachers came to you personally?

A Yes.

Q Did you ask them if they had discussed this matter with Mr. Rogers?

A I don't recall.

Q Did you ask them if they had discussed the matter with the liaison to their particular school, Mr. Frederick?

A Again I don't recall.

Q Did you ask them if they had discussed it with the principal of the school, Mr. Huntley?

A They, I think they volunteered that. You know, they said they had discussed it with the administration in the school I would assume that meant Mr. Huntley.

Q How many teachers approached you?

A I would say maybe 10 or 20.

Q Do you recall the names of any one of those teachers?

A I know Mr. Brodsky was one of them. I could point out every teacher to you if I saw them, but I don't know their names.

Q Have you seen amy of them in the courtroom while you have been here or in the hall?

A In what time period?

Q Today or the day you were here Thursday?

A Yes, I have seen a few of them.

Q Are any of those teachers sitting in this courtroom now?

A This gentleman might have been one of them. I'm not sure.

Q You indicated you could point them out.

A I think this gentleman was one of them. If he

takes off the glasses.

THE COURT: Give your name and address to the Reporter.

THE VOICE: Joe Belesi, 19 Lucille Drive, Syosset.

THE COURT: Thank you.

Q Now, you indicated that you think there was approximately 18 or 20 teachers that approached you?

A I would say that's a fair guess.

Q Did they do this collectively or individually?

A Let's say two at a time or one or three, but not as a large group all at once.

Q When did they do this?

A Also at school board meetings or in the event Iwas at a -- at the district office or for some reason they were there but mostly after or before school board meetings. That's the time when we see most people, and unfortunately, it's a time where you don't get a chance to sit down and discuss person to person with people. Frankly, when someone has a complaint, I refer them to Mr. Rogers.

Q You indicated you don't recall if you referred these individuals to Mr. Rogers.

A I know they requested to meet -- le me think. I get the time spaces mixed up.

Q Did you ever have --

A Let me think about the answer. I am trying to recall what happened two years ago. I am not sure.

Q Did you ever hold a school board meeting at I.S. 33?

A Yes, we have held school board meetings.

Q While Mr. Huntley was principal?

A I don't recall, but I would say yes, we probably have. I would say we probably did. Brother Lally schedules the school board meetings.

Q Are you aware that at the time that you voted to terminate Mr. Huntley that the fires which you spoke of, there hadn't been one from April to the point of time when you terminated him?

A Well --

Q According to the logs that we have received.

A No, I don't recall.

Q Are you aware that there had been a decrease in the number of untoward incidents reported during that year?

A No, I wasn't aware of that.

Q Did you ask Mr. Rogers specifically whether there had been an increase or decrease of fires before you terminated him?

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A That last question you asked me -- what was that again?

Q Whether there had been a decrease in the number of untoward incidents as recorded in the '72, '73 school year?

A Explain to me what you mean by that. I gave an answer and I thought you menat something else.

Q Do you know what an untoward incident is?

A No.

Q I told you it would be an incident such as an assault on one student --

MS. ROTHMAN: I object because when Mr. Rogers said untoward incidents, he meant outside children coming into the school.

THE COURT: I will permit the question.

Q Had you been apprised that there had been less serious reported incidents such as assaults in that school year?

A My understanding was that the conditions there, problems were students in the school was not getting any better and that it was either getting worse in some incidents or just staying the same.

Q It would surprise you if I told you that there had not been a fire in that school for approximately two

months or reported fire?

A From what point?

Q From April 1973 to May 24, 1973.

A It would surprise me, yes.

Q I take it it would surprise you if the list of untoward incidents which we received reflect that there had been a decrease in the number of the untoward incidents in that school over the year?

A By that you mean people coming into the school and causing trouble?

Q Untoward incidents as reported to us on a chart provided by Mr. Rogers.

A My understanding is that there had been problems in the school, assaults in the school, fighting in the school, whether it was caused by people from the outside or people within, people coming into the building, I'm not aware of.

Q In other words, the answer to my question, it would surprise you if there had been a reported decrease in that?

A In what?

Q Untoward incidents.

A If you use the words I say, then I would be surprised, but I don't understand the word untoward, so I am not going to say that.

Q Now, do you recall the names of any other teachers other than the gentleman you pointed out in the courtroom?

A I didn't recall his name, no.

Q You don't recall the names of any of the parents?

A No.

Q Did you talk with Mrs. Ada Pratt the president of the Parent's Association about her feelings of what was happening in the school?

A I have spoken with Mrs. Pratt.

Q Did you speak with her at the time that you received these reports from these unnamed 10 parents from November to April of that school year?

A I don't remember. I would probably not.

Q Were you aware that Ada Pratt was the president of the Parent's Association?

A Yes, I was. She worked at the annex.

Q Presently?

A The annex isn't there anymore.

Q Now, is Mrs. Sally Fisher still on the school board?

A No, she is not.

Q Why isn't she still on the school board?

A She was not reelected. Excuse me. She was

not reelected because she was appointed by the school board so it would be unfair to say she was not reelected.

Q She wasn't officially dismissed from her position on the board?

A No.

Q Now, when did you vote to terminate Mr. Huntley from his position as principal?

A At the public meeting are you talking about?

A No.

A The executive board meeting.

Q Do you recall the date of that meeting?

A No, it was sometime in May.

Q And if I told you May 24th was --

A It wouldn't refresh my recollection but I will accept it, if you tell me that.

Q Now, that was an executive board meeting, is that correct?

A Yes.

Q What was the purpose of that executive board meeting, if you recall?

A I don't know if the purpose had anything specifically to do with 33. It might have been other items on the agenda or not but I don't remember.

Q Isn't it a fact that the sole purpose of that

executive board meeting was to discuss the reorganization of I.S. 33?

A That -- we met with Mr. Huntley, right and he discussed the proposed reorganization that he had.

Q And did the school board members make their feelings known about what they felt about the reorganization?

A Yes.

Q Did Mr. -- was Mr. Huntley receptive to the board position about the reorganization of I.S. 33, if your recall?

A I don't believe -- excuse me, was he receptive to our feelings on his reorganization?

Q Yes.

A I don't believe he was.

Q You can't recall?

A I can't recall specifically, no.

Q Now, did he, after his presentation leave the room?

A Yes.

Q And did you make a motion to dismiss Mr. Huntley?

A Yes.

Q Was the immediately after he left the room?

A It was a short time after he left the room.

I wouldn't say it was three seconds or five seconds, but there might have been some time that transpired in between.

Q And while Mr. Huntley was in the room, did you advise him that his performance, you personally, did you personally advise Mr. Huntley that when he left the room, his performance was going to be discussed with the possibility that you would make a motion to terminate him?

A I don't believe so, sir.

Q Did you, while Mr. Huntley was present in the room discussing his reorganization, ask him any question about the situation, other than the reorganization at I.S. 33?

A Well, I --

Q Did you personally?

A Did I personally ask him?

A Yes, I don't remember but there was talk about the situation at 33. He wasn't happy with the situation.

Q He admitted he wasn't happy with the situation?

A Right.

Q You indicated in your direct testimony that, in fact, he had approached you personally for some assistance?

A Yes.

Q When was that, do you recall?

A I am giving -- I could give you an approximate,

but that approximate might be off by as much as a month.

Q Was it in the spring or the fall?

A I would say -- dates and names I am bery bad on.

Q Was it the spring or fall, then?

A I would say it would be more in the spring than in the fall, likely. I would say it was probably in the spring.

Q What kind of assistance did he specifically ask you for?

A It was more or less a general appeal for help of some sort. I am not even sure that Mr. Huntley knew.

Q Did you respond to that request for assistance?

A I told him we would always try to do as much as we could to help him. Mr. Rogers, in fact, I know did expend a lot of time with Mr. Huntley.

Q How do you know that?

A He told me.

Q Mr. Rogers told you?

A Right.

Q Did you ask him --

A I think that's the wrong way to put it. I think the right way is that he spent a lot of time in trying to assist Mr. Huntley.

Q This is what Mr. Rogers told you?

A Yes.

Q Did you indicate to Mr. Huntley that Mr. Rogers had indicated to you that he had spent a lot of time assisting him or attempting to assist him?

A No, I didn't indicate that to Mr. Huntley.

Q Did you -- as I understand it, you made the motion to terminate Mr. Huntley, is that correct?

A Yes.

Q Had the superintendent made a formal request to you -- strike that. Had the superintendent made a formal request in that meeting to terminate Mr. Huntley prior to the time that you made your motion?

A I don't recall, but I -- you see we had some discussion and I made the motion, now. Whether the superintendent had gotten involved in the discussion or not, I don't recall.

Q Isn't it -- does the Community School Board generally act on its own to terminate somebody, or does it generally require a recommendation from the supervisor?

A It depends, I would say. It can come from either source. I would say that, let's say if you take a teacher, the principal might first becaome aware of it and then the superintendent would become aware of it and then

the school board would become aware of it. If you take a principal, well now, we're dealing with the situation where, you know, there are less principals than teachers and it might come to the school board's attention and in their focus because it stands out.

Q Isn't it a fact that you discussed termination of Mr. Huntley with other members of the board prior to that meeting, specifically discussing with other members of the board informally, Mr. Huntley's termination?

A I said before, we have spoken about termination as a last resort.

Q Isn't it a fact that you never spoke about termination with respect to Mr. Huntley with the liaison of that school?

A I don't recall.

Q Well --

A I don't recall specifically which members -- if I discussed possibility of termination with.

Q Do you recall that after you made your motion at that meeting, the liaison of that school objected to the procedure in that meeting that was being utilized?

A I believe Mr. Fredericks did make an objection.

Q Do you recall the reason he did make the objection?

A No.

Q Well --

A I know he did voice objection, though.

Q Up to that time, had the board ever made a decision to terminate a principal up to that time without a specific recommendation from the superintendent of that district?

A Well, Mr. Huntley was not a principal. He was an acting principal, untenured personnel.

Q I will rephrase the question: Up to that time had the board ever made on its own a motion without a recommendation from the superintendent to terminate any administrator in any status, acting or otherwise without a recommendation from the superintendent?

A I would say recommendation isn't the right word. I would say without the concurrence, might be a better choice of words, of the superintendent. We try to work our school board as not employer, employee relationship. We try to treat Mr. Rogers an equal and so he treats us as an equal. Obviously if we don't work together we are not going to accomplish anything. So I would use the word concurrence more than anything.

Q So, as I understand it, your answer is that up to that time the board had moved to terminate any

administrator without the concurrence of Mr. Rogers, is that correct?

A That might be a fair statement, to the best of my recollection.

Q At the time that you moved, you personally moved to terminate Mr. Huntley at the May 24th meeting, you had not getten a formal concurrence of Mr. Rogers. Isn't that correct?

A By formal, what do you mean?

Q Well, he hadn't formally recommended to you that you take the action to terminate Mr. Huntley?

A I don't recall.

Q Well, did Mr. Rogers make a formal recommendation to terminate Mr. Huntley after you made your motion?

A I don't remember. As to the motion made or after --

Q Do you recallafter you made your motion, Mr. Fredericks the liaison to the school objected to it?

A Yes.

Q Do you recall after that objection whether Mr. Rogers then made a formal motion to terminate Mr. Huntley?

A He wouldn't make a motion, if anything he would say he agrees or disagrees. I would say in all likelihood, he did, but I don't remember.

Q Do you recall if you discussed Mr. Frederick's protest of objection to the motion of the procedure at all, and when I say you, I mean you and the rest of the members of the board.

A I know we had some discussion but again I don't remember.

Q Now, in your direct testimony, you indicated that Mr. Huntley had appeared before the board to discuss a program at the school involving gangs?

A Excuse me?

Q A program in the school involving gangs when Mr. Huntley appeared before the board?

A I don't believe I said he had appeared before the board. I had been informed whether it was through Mr. Huntley or someone else about the gangs being in the school to speak to the students.

Q In your direct testimony it indicated, as I recall it, that you had been told that Mr. Huntley had invited gangs in the school to talk with children.

Does it come as a surprise to you that in fact, that Mr. Huntley had not --

A Let me explain something, a teacher, to my belief, a teacher invited those gangs in with Mr. Huntley's approval. It hadn't been his invitation but he had allowed

them to come in.

Q Were you aware that that was of a larger program involving police and various other persons in the urban setting, that were coming into the program?

A I wasn't advised that the police had been working with these gangs, is that the --

Q No, that the program under which these people were speaking in the school was also a program where police officers were coming into the schools to speak to the kids as well?

A In other words, gangs and police were working together in this program?

Q I am saying it was a program where the teachers were using police officers, gangs, various other individuals in the community to speak to the kids. Are you aware of this?

A No, I wasn't aware of police being invited into the school but then again police do come into the school to speak and we welcome that.

Q Are you aware that kids who go to District 14, various schools in District 14, that there are kids who are in fact part of life as members of social clubs or otherwise known as gangs?

A Let me put it to you this way. I know, I

wouldn't be surprised if there are people in our schools, students are members of social clubs. But, I look at it this way, that first of all, my understanding that this was not a so-called social club that was, the type that I would belong to.

Q Perhaps that was the reason why they were being invited in the school to explain this program and activities. Did you explore that situation with Mr. Huntley or with any of the individuals?

A No, I did not.

Q And you indicated that you understood that these gangs were growing as a consequence of that program?

A It was my understanding that the students in the schools were becoming members of the gang.

Q But you don't have any personal knowledge of that?

A No, sir.

Q And you don't know anything about the gangs that were being discussed in this school program?

A No, sir.

Q And you didn't attempt to ascertain from Mr. Huntley that program?

A No, sir.

Q What about Mr. -- the assistant principal,

who initiated the idea?

A No, sir.

Q Had you ever called another administrator to the board meeting up to that time to discuss particular curriculum in the school to give a curriculum program?

A I don't recall, sir.

Q Well --

A It depends on what you mean. Did you say administrators?

Q Administrators, yes.

A In possibly -- in accordance with Title 1, or Title 1 program or something like that but I don't recall specifically. It might have been.

Q Now, prior to that May 24th meeting, did you personally discuss with Mr. Fredericks the situation at I.S. 33?

A I seem to recall having conversations with him, not of any great length.

Q And do you recall what his feelings were about the situation at I.S. 33, what he said to you?

A No, sir.

Q Now, at that executive meeting, you did vote to terminate Mr. Huntley?

A Yes.

Q Subsequently there was a public meeting?

A Yes, sir.

Q What was the reason for that public meeting?

A I believe our counsel advised us to conduct a public meeting to vote in public but I can't be certain.

Q He indicated that it was necessary to take a public vote?

A He didn't indicate that it was necessary. He just felt that it might be better.

Q Well, did he advise you to hold a public hearing or to take a public vote?

A As I recall, it was a public vote.

Q And there is a difference between a public hearing and a public vote?

A There is a difference between a public hearing and a public meeting.

Q He advised you to take a public vote at a public meeting?

A Right.

Q What is the general format that the board uses when they, on their agenda at a public meeting, to have a resolution?

A It depends on the type of resolution itself. Some resolutions, we invite comments from the audience.

Others we vote on without comment. It depends on certain -- what is exactly on the agenda.

Q And what was the resolution at the public meeting vis-a-vis Mr. Huntley?

A The exact resolution?

Q Yes.

A I don't recall.

Q Well --

A In essence it was to terminate him.

Q In essence it was to terminate him?

A To affirm our termination, rather, or reaffirm.

Q Now, had you ever --

A Is that clear to you? In other words, to reaffirm our termination of him.

Q Now, had you ever voted on resolutions at public meetings prior to the June 5th meeting where you terminated somebody?

A We might have voted on a teacher, to terminate an untenured teacher, whether it's before or after that meeting, I don't recall exactly.

Q Do you recall whether or not you read the charges of that teacher you just mentioned or just read a resolution?

A I don't recall.

Q Well, is it unusual to read the charges in view of the fact that you were directed to vote on a resolution at a public meeting? Let me just just ask you point-blank, what was the reason you read the charges when all you were supposed to be doing is to vote on a resolution to terminate?

A I can't answer that. I don't remember.

(Continued on next page.)

Q You testified on direct that Mr. Rogers had approached you about some children, the possible danger to their lives as a consequence of something in a fire situation?

A Yes,sir.

Q Did Mr. Rogers happen to tell you in that conversation that those children had either gone down the wrong stairway or had been led down the wrong stairway?

A Well, it depends. Going down the wrong stairway because it was locked or --

Q I don't know. But do you recall whether or not he was talking about children going down the wrong stairway?

A Any understanding that the -- that there was a door that was supposed to be kept open? That was my understanding. By wrong stairway, do you mean they closed a stairway that should have been open, but was locked? Maybe you are right, but --

Q Was Mr. Huntley ever present whenever you spoke with any of these teachers either at the District Office or after a board meeting?

A No. Mr. Huntley didn't come to many public meetings, as I recall.

Q Did you invite him to any meetings with any teachers?

A I personally? I don't believe so.

MR. MEYERSON: I have no further questions.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MISS ROTHMAN:

MISS ROTHMAN: Just one or two questions. But first, I think you testified on direct -- I don't know if there was some confusion on cross, that Mr. Rogers since September of 1972 was present at Mr. Huntley's removal, and he was saying at the public meeting that there was a danger and he was afraid of someone being killed.

A Mr. Rogers and Mr. Brande before did not feel Mr. Huntley should have been principal at the school. Mr. Brande did not feel that way. But he did try to help him. And Mr. Rogers tried to help Mr. Huntley make the school work. And he felt that he just -- even with the help he wasn't -- he wasn't able to do the job.

Q What was Mr. Rogers telling the Community School Board during that '72-'73 school year about Mr. Huntley?

A He didn't like his performance.

Q Did he explain why?

A Well, he felt he couldn't control the school. Controlling the school is the wrong word, wrong

phrase. But he just didn't -- he wasn't -- he wasn't an able principal. He wasn't someone who could do the job.

Q Do you recall -- wasn't the public meeting called after the executive meeting because there was some problem -- there was a complaint to the chancellor that this had not been held in Brooklyn? Does that refresh your recollection?

A Yes. Well, we did have -- we did have -- that's right. There was a complaint to the chancellor. Now, whether or not the chancellor --

Q The chancellor said it had to be done at a public meeting?

A That could have been the case. I don't remember.

MISS ROTHMAN: I have one thing now that I would like to introduce into evidence. You refused to let me introduce it last time and you said I should get some supporting memorandum, and if I find --

Now, my support is from the new Federal Rules of Evidence that will be effective July, 1975. And it's Rule 803, hearsay exceptions.

THE COURT: Which subdivision?

MISS ROTHMAN: 803 8C states, "public records and reports, statements or data, or compilations in

any form of public offices or agencies setting forth (c) civil actions and proceedings and against the Government in criminal cases, factual findings resulting from the investigation made pursuant to an authority granted by law, unless the source of information or other circulation has a lack of trustworthiness.

And I would say that a finding by an officer appointed by the chancellor of the Board of Education clearly comes under this rule, a factual fact-finding -- made pursuant to investigation.

THE COURT: Is that document marked for identification?

MISS ROTHMAN: Yes.

MR. HOFFMAN: Your Honor, if I can just --

THE COURT: Excuse me. I just want to know what number it is.

MISS ROTHMAN: It is number (e).

THE COURT: What is the position of the plaintiff?

MR. HOFFMAN: Our position, first, is this: If they introduce the testimony and everything, we will allow the findings. But to just allow the findings in would be prejudicial because Mr. Huntley was not a plaintiff or a complainant in that case. And it's

specifically mentioned in --

MISS ROTHMAN: It specifically mentions Mr. Huntley, that he attended all of the hearings and gave extensive --

THE COURT: Excuse me. How large is the record?

MISS ROTHMAN: Very large. I would say four volumes.

THE COURT: Indicating about one foot in height.

MISS ROTHMAN: Yes.

THE COURT: It seems to me the condition suggested by the plaintiff is a sound one. The rule would normally be applicable. But pursuant to Rule 403 of the new rules of evidence --

MISS ROTHMAN: Excuse me. It's 806.

THE COURT: Pursuant to Rule 403, which is a different rule, the Court has discretion to exclude evidence which may be cumulative and time-consuming. And exercising my discretion under 403, I exclude the evidence.

MISS ROTHMAN: And the findings?

THE COURT: And the findings.

Well, the exhibit as proposed to be supplemented by the plaintiff.

MISS ROTHMAN: Under Rule 803, you could just submit the findings.

THE COURT: I understand.

MISS ROTHMAN: May I call my next witness?

THE COURT: Are we through with this witness?

MR. MEYERSON: Just one or two questions.

THE COURT: Yes.

RECROSS-EXAMINATION

BY MR. MEYERSON:

Q Now, up to September, 1972, it is my understanding that you personally didn't have any great concerns about the situation at I.S. 33? It wasn't until September of '72 that you began having some concern about the situation; is that correct?

A I would say that's probably a fair answer.

MR. MEYERSON: No further questions.

MISS ROTHMAN: May I call my next witness?

THE COURT: Yes.

Thank you, sir.

THE WITNESS: Thank you.

(Witness excused.)

MISS ROTHMAN: I call Brother Robert F. Lally.

I don't want to stipulate to Brother Lally.

BROTHER ROBERT F. LALLY, called as a witness, having been duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MISS ROTHMAN:

Q What is your occupation?

A I am a teacher, high school teacher.

Q Where?

A At St. Francis Prep in Queens.

THE COURT: All right, we are going to have to take a short recess because I have a sentence. Ten minutes.

MISS ROTHMAN: Judge, there is also the public document exception. You are aware of that?

THE COURT: Yes.

(Recess taken.)

THE COURT: All right, proceed.

Q What is your position in the Community District 14?

A I am President of the school board.

Q How long have you served on the board?

A This is my fifth year.

Q Were you on the board at the time they voted to hire Claude Huntley?

A Yes, I was.

Q Did you vote to hire him?

A Yes.

Q Did you vote to hire him because he was black?

A No.

Q Why did you vote to hire him?

A Well, we were a new school board at the time. And the procedures for the selection of the principal for I.S. 33 was completely by the old local board. They had recommended Mr. Huntley. And the parent association had recommended Mr. Huntley. And we saw that we had no reason that Mr. Huntley on paper wasn't qualified for the position. And we appointed him.

Q Do you remember the lawsuit with the Council of Supervisory Association?

A Yes, I remember it. The CSA claimed that Mr. Huntley was not qualified to be principal of an intermediate school since he only had an elementary school principal certification. It went to court. And subsequently the Board of Education supported our stand that an elementary school or junior high school principal certification was sufficient for an intermediate school.

Q Do you remember a contempt proceeding that was instituted against you when you refused to drop Mr. Huntley?

A Yes.

Q Was there any offer made to drop this contempt proceeding if you would drop Mr. Huntley? Do you remember this?

A The CSA -- we met several times with the CSA people, officials, and they indicated to us that if we withdrew our appointment, that they would withdraw their contempt suit.

Q What was your reaction to this offer?

A We refused to.

Q Did you feel there was a real possibility that you could have gone to jail?

A Yes.

Q Why did you refuse to drop Mr. Huntley then? Wouldn't it have been easier to drop him?

A Well, at that point -- well, we did vote to appoint Mr. Huntley. We felt that he was the best qualified applicant. We had no reason to believe otherwise at that time.

Q Were you one of the members of the board who voted to terminate Mr. Huntley?

A Yes.

Q Could you tell me in general on what basis you came to this decision?

A The decision wasn't arrived at all of a sudden.

It was a culmination of, I would say, at least a year, or probably a year and a half of instances that had been occurring, and a gradual deterioration in the climate of I.S. 33.

Q Did you ever meet with groups of teachers from I.S. 33? Did they ever ask to meet with you?

A Yes. I met with groups of teachers on two occasions that I recall.

Q Do you remember the occasion and what transpired?

A Well, I think both meetings were during the '73 -- '73-'73 school year. At both meetings the teachers -- the teachers asked that the school board and the superintendent do something to rectify the situation. I remember that one teacher -- I don't recall his name. He was a Vietnam veteran and he said that he felt safer in Vietnam than he did in I.S. 33 because at least there he had a gun to protect himself.

But they recalled various incidents of fires and students threatening teachers and so on. And they asked us to do something about it.

Now, this was twice during that year. It probably -- and it took us until that May to really come to some kind of a resolution of this problem.

Q Do you remember how many teachers came to any

of these meetings?

A One meeting -- the first meeting, there was a small group of teachers. The second meeting, it was more urgent. It was later in the year. I would say about 58, 60 teachers.

Q Was this meeting held with the entire school board, the second meeting?

A No. It was a meeting after school. The teachers came in after school about 3:00 or 3:30 and a couple of the school board members were there. I think Mr. Monamaio and Mr. Strohmenger were present at that second meeting that I am talking about. That was the most urgent.

Q You say there was approximately 60 teachers at that meeting?

A Yes.

Q What did they say at the meeting?

A Well, they complained about the -- as I say, they complained about the general deterioration of the school; that the teachers could not communicate on a professional level with Mr. Huntley; that any suggestions that they had were unheard, were ignored, and that there was -- they brought up the instances of fires which have been -- which we all know about -- and the assaults and threats on teachers and other students, general chaos in the school.

Q Did you ever ask Mr. Huntley to come before the School Board during the '72-73 school year?

A I recall -- and I am not sure whether it was during the '72-73 school year or the '71-72 school year -- I believe it was May, 1972, the first time that we asked Mr. Huntley to appear before the Board to discuss the fires and other problems that were in the school.

Q What did you discuss at this meeting?

A Well, we discussed specifically the fires and what we could do to curtail the incidents of students entering classrooms when the teachers weren't there, setting fires in wastepaper baskets and so on. We ended the meeting by -- there was some kind of hope that something would be done. Mr. Huntley assured us that he would try by various means of assigning people to various posts and so on to decrease the number of instances. Subsequently, there wasn't any -- it didn't seem that there was any appreciable decrease.

Q There have been claims here that toward the end of the year there was a decrease in some of the instances; do you know anything about this?

A You mean the end of '72-73?

Q Yes.

A Well, between April and -- well, April was Eastertime. And then at the end of April, I believe, the

Parents' Association of I.S. 33 called a boycott of the school. So the school was closed most of the time between April and June. And after the public meeting to release Mr. Huntley quite a few students stayed home and were kept out of school as a protest. So that that could account for the decrease in the number of fires or assaults or whatever.

Q Did you feel that there was anything extraordinary about the situation at I.S. 33?

A It was an extraordinary -- we get reports from superintendents about incidents in various schools. But I.S. 33 was an exception. It was very exceptional in that there were more fires, more instances -- the School Board was warned several times by Mr. Rogers during that year and the previous spring even that something should be done about it. And I asked him whether he recommended that Mr. -- that we remove Mr. Huntley. And it took him until May to come to that determination.

Q At the May 24th executive meeting when you -- that was the first formal proposal to remove Mr. Huntley, did you ask Mr. Rogers for any recommendation?

A Yes. Mr. Strohmenger made a motion after Mr. Huntley had left the meeting because ofthe problems in 33 that we finally do something about it instead of talking about it, which is all we were doing. And after the motion

was made I asked Mr. Rogers -- as chairman of the meeting I asked Mr. Rogers, do you recommend that the Community School Board remove Mr. Huntley, and his answer was,yes, I do. He asked me if -- he said, do you want a recommendation. I said, yes, because we wanted to -- we wanted to go on a superintendent's recommendation. The School Board usually works that way.

Q Prior to this May 24th meeting, do you recall ever having any discussion with Mr. Fredericks about the removal of Mr. Huntley --

A At various --

Q -- by the Board?

A At various times during the year at executive board meetings Mr. Rogers would bring up the problems in I.S. 33 and say that before somebody gets killed we should do something about it. Mr. Fredericks had been present at some of those executive board meetings. Also informally out of meetings we had spoken to -- I have spoken personally to Mr. Fredericks, saying, you know, that we really have to do something about it. And he suggested that he would speak with Mr. Huntley as the liaison member of the Board and see what they could work out. And I presume -- I don't know for a fact -- but I presume that he met with Mr. Huntley on occasions to talk about the problems.

Q Did you ever receive any complaints from any parents from I.S. 33?

A No, not directly. Not personally.

Q Did the Board, do you know?

A No. The Superintendent did. I know that because he told me about it. But personally, I haven't -- I did not. The only instances that I can recall involving parents is that there is a long list of student names -- it's a couple of pages long -- at the end of the '72 school year -- '71-72, who were requesting from the Superintendent to transfer from I.S. 33 because of the problem there.

MS. ROTHMAN: I have a list here of the -- may I introduce this in evidence, the amount of students that requested transfers?

MR. HOFFMAN: Well, quite frankly, this is a final chart without any of the raw material. And I have just found that from the previous charts that we do need the raw material to verify these. Now, it's just a chart with numbers. And as far as we are concerned, you made that comment to me that 180 could have been written down or 120 and you wanted to check the logs and the fires. And I think I would like to --

MS. ROTHMAN: I could make this available to you.

MR. HOFFMAN: Fine.

THE COURT: We have got to bring this to an end. How long is this case going to go on?

MS. ROTHMAN: I would like -- my case is not much longer. I would like to introduce it.

THE COURT: Are you talking about today?

MS. ROTHMAN: I would like to end my case today.

THE COURT: Are you going to supply the documentation?

MS. ROTHMAN: I will call up.

THE COURT: All right. See if you can get it here. If you can -- and we can get the basic material -- or if this witness can look at the report and say that it is accurate based on his own knowledge, that will be permitted.

BY MS. ROTHMAN:

Q Based on this list, would you feel that that is accurate?

A I would say that the -- what I am thinking of -- what I am speaking about in the '72-73 year -- that is, the end of the '72 year, that that would be approximately the number of students that I would -- I could say that I saw the list of names.

MS. ROTHMAN: May this be introduced in evidence as Defendant's Exhibit FF?

THE COURT: FF.

MS. ROTHMAN: Yes.

THE COURT: Is there an objection?

MR. MEYERSON: I object.

THE COURT: All right. FF is for identification only.

Ask the witness based on the use of FF for refreshment if he can give us the approximate number.

xxx (So marked.)

Q Based on this document, could you give me the approximate number of students that requested transfers?

A At the time that we are talking about?

Q Yes.

A From -- well, 132 from the main building and 89 from the annex.

Q Thank you.

Fol.by Sulzer (Continued on next page.)

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Q In general, what was your basic reason for voting to terminate Mr. Huntley?

A The basic reason was because of the general chaotic state of the whole school, and based on the recommendation of the superintendent and other reports that we received that Mr. -- through discussion with the superintendent and other members of the school board we ascertained that Mr. Huntley was not qualified, that he could not administrate the school properly and the educational atmosphere was -- had disappeared from I.S. 33 and that learning could not continue under his administration.

Q Do you remember Sally Fisher, a member of the Board, who was not a liaison to I.S. 33 ever preparing a report on the situation there?

A I remember at an executive board meeting that she had told the board that she was in I.S. 33 at one time previous to that and that she was afraid when she was walking through the hallways, the kids were running through the hallways and knocked her against the wall, I think, was her report.

MR. Bonomo, I think, was with her, I am not sure ofthat though.

Q Is he another member of the Community School Board?

A Yes.

Q Do you know if there are any other nontenured personnel or probationary recently dismissed by the Community School Board?

A If I remember correctly, before Mr. Huntley under Mr. Brande's superintendency --

Q I mean recently.

A Recently -- a teacher.

Within the last year there was a nontenured teacher that he dismissed on the recommendation of the superintendent.

Q Did this teacher receive charges or prior --

A There is no statute requirement for charges to be brought against nontenured personnel.

THE COURT: That did not answer the question.

A No, they weren't charges.

Q I would like to ask you about two incidents involving principals that were brought up on prior testimony here, and perhaps you can clear it up.

One involves a principal of 157 who was indicted for murder and there are claims that he received better treatment than Mr. Huntley. Are you familiar with that incident?

A Yes.

Q Can you describe it?

A Yes. Mr. Holder was the principal of 157. He was a tenured principal. Upon his indictment the superintendent transferred Mr. Holder to the District Office.

Q Was that a promotion, by the way, when he was transferred?

A No, it wasn't a promotion. He was brought into the District Office.

He was given duties helping out in a couple of offices, preparing for programs and running errands and so on.

We did that -- the superintendent did, it was an administrative transfer, because it would have caused more problems for him to stay, remain in school. We couldn't release him, we couldn't dismiss him permanently without a hearing, since he was tenured.

Q And do you recall what happened, anything specific that happened shortly before he was convicted or --

A The night before the verdict we discussed at an executive board meeting -- I think that was in May -- Spring of '72, I think, we discussed what we should do if he were found -- if he were found guilty there were no problem, but if he were not found guilty, and when we -- we decided at that meeting to ask Mr. Rogers to call Mr. Holder on the

phone, which he did -- I was present when he called him -- and tell him that no matter how the verdict is tomorrow, we are asking you, and the School Board asked me to ask you, to resign your position in the school.

I believe that Mr. Holder said that he would not if he were found innocent, but the next day he was found guilty.

If he had insisted on staying in the school then we would have had to bring charges and go through the proper hearing.

Q Why didn't you remove him immediately after his indictment?

A We did.

Q No, the chancellor of the District Office -- why didn't you remove him completely?

A There was no -- we didn't want to say that this person was -- this was a non-educational, non-school related problem. It was a personnel thing that we didn't know whether he was guilty or innocent and we weren't going to presume, other than the charges that he was brought up on, the principal was -- I think personally, a good administrator, so there was no charges that we could have brought him up on at that particular time.

Q Are you saying then that you didn't want to

presume that he was guilty as a result of the indictment?

A We didn't want to presume that he was guilty until the verdict came in.

Q Why did you , the night before the verdict came in, call him up and tell him he would no longer be welcome?

A Well, because of the discussion in the executive board meeting we felt that the parents and students and so on, the whole atmosphere of the school -- of the whole case, whether he was innocent or not, that if he were innocent he still, for the good of all concerned, should remove himself from the situation and maybe get a principalship in another district.

Q Do you recall the circumstances surrounding the charges brought agains the principal of I.S. 49, that was also brought up here?

A Dr. Devine. Dr. Devine's case started before we came into office in 1970. The old Local Board had asked the superintendent, at that time Mr. Brande, to investigate certain charges of falsifying records of students to get them out of I.S. 49.

From what I understand, Mr. Brande took quite a while to do that investigation and before he presented it to the local board, the local board was out and we were in,

and then it took another, I don't know how long, but it took another few months anyway before Mr. Brande brought the charges to us.

When they were brought to us, we considered them and then we instituted -- they were brought to us and we voted to suspend Dr. Devine with pay pending a hearing on the charges.

Q Was he a tenured principal?

A He was a tenured principal.

Q So in order to have him removed this is required?

A Yes.

Q And you did in fact bring charges and --

A The most you could do with a tenured principal to remove him from the situation immediately is to suspend him without -- suspend him with pay.

Q That is mandated by State law.

A That is mandated.

Q A full hearing or trial was held on these charges?

A A full hearing was held, yes, in the Board of Education.

Q What eventually happened, did you ever give him the option of resigning?

A We never as a board gave him the option, but I understand during the hearing, during the time of the hearing, he was actively seeking a principalship in another district.

And then I believe that when he went to that other district, then the hearing just ended. There was no conclusion to the hearing so far as I can recall.

Q Do you remember why after the executive meeting of May 24 a public meeting was held?

A Yes. Because we were on a complaint to the chancellor, we received a communication from the chancellor that Mr. Huntley was still principal of I.S. 33 until a resolution was passed at a public meeting.

So it was on complaint that we had to do it. It is a legality that any action of the School Board must take place at a Public Meeting. Motions passed in executive session are not binding.

Q Do you feel that Mr. Huntley would have received different treatment if he were white?

A No. The consideration was not the color, the consideration was the performance of the individual.

Obviously, I thought that Mr. Huntley, when he was put into I.S. 33, Mr. Brande was not in favor of the appointment, but he did tell the Board that he would give

Mr. Huntley all of the support that he could, and he had in formed me that he was giving more supportive services to I.S. 33 than he normally would to any other school in the district, just to help Mr. Huntley, you know, to get him to -- to help him out in the beginning of his administration.

The second year of his administration, though, it was evident that it wasn't working out and that Mr. Rogers at the end of the second year said that we should do something about it, meaning remove the principal.

We didn't. And finally it ended in May of '73.

Q Why did it take so long to do something about the situation?

A Well, from time to time when Mr. Rogers was complaining about the situation I told him, I said, "Well, the Board will act upon your recommendation. If you are going to recommend to dismiss him, bring it to the Board, and draw up the documentation to support your recommendation and we will consider it."

It just took that long.

Q In your personal observations with Mr. Rogers about Mr. Huntley or the situation at I.S. 33, did you feel that Mr. Rogers was being objective and fair in his assessment of the situation?

A Yes I do. Mr. Rogers, even during that entire year, '72-73, was in constant communication with Mr. Huntley.

Mr. Huntley and himself were exchanging letters. Many times the superintendent has gone to I.S. 33 to see what he could do to help straighten out the situation, so it wasn't that Mr. Rogers gave up on the school just beeause Mr. Huntley was principal of the school.

Q Did you ever notice any bias on Mr. Rogers part?

A No. As a matter of fact, on the question of discrimination, under Mr. Rogers' administration we have had an increase -- we have two black principals, we have two Puerto Rican principals and I can't -- I don't know how many assistant principals are black and Puerto Rican, so I can't say -- I can definitely say that Mr. Rogers is not opposed to an individual because of his color.

MS. ROTHMAN: I have no further questions.

CROSS-EXAMINATION

BY MR. MEYERSON:

Q Brother Lally, how many black persons are in the Community School Board office now, in administrative positions?

A In administrative positions there are none.

Q How many were there when Mr. Rogers became superintendent?

A There were two, I believe.

Q You indicated that in the spring of 1972 Mr. Rogers indicated to you that he was disatisfied with Mr. Huntley and then you indicated on direct examination "Meaning remove the principal," or something like that.

A He indicated that something had to be done to correct the situation.

Q And I take it you meant that he was intimating that he would have to remove the principal?

A Yes.

Q Are you aware that Mr. Rogers gave Mr. Huntley a satisfactory rating at that time?

A During that year, yes.

Q Are you aware that Mr. Rogers didn't advise Mr. Huntley of the same thing he apparently advised you?

A No.

Q Are you aware that Mr. Rogers did not advise Mr. Fredericks, the liaison, of the samething he apparently advised you?

A I am not aware of that.

Q Are you aware that he didn't check the doubtful mark on Mr. Huntley's rating sheet?

A I am aware of that?

Q Yes.

A No.

Q You said that in that spring a group of teachers came to visit you, spring of '72?

A '72-'73 school year.

Q '72-'73 school year?

A Right. So it could have been in the fall.

Q Had there been any teachers that came to you as the Board in the spring of '72 -- end of '71-'72, school year?

A I don't recall that, no.

Q Brother Lally, you indicated that there were quite a few requests for transfers from I.S. 33 at the end of 1972 school term, is that correct?

A Yes.

Q Are you aware how many transfers or requests for transfers there were from I.S. 49?

A No.

Q What about any of the other schools in the district?

A No. The only reason I am aware of I.S. 33 is because the superintendent brought it to my attention that there was an unusual number of requests for transfer from a

school.

Q Did he bring it to your attention that there were an unusual number of requests from the annex as well as the main school?

A He did not.

THE COURT: Excuse me. Don't show the witness anything while he is testifying without getting the consent of the Court. (Addressing Ms. Rothman.)

A No, he did not mentioned whether it was the annex or the main building, but I interpreted it as being the main building, which was an extraordinary number.

Q Might I show you Defendant's Exhibit FF for identification and ask you to look at that exhibit and indicate if there was substantial requests for transfers from the annex?

A Yes, there were.

Q There has been substantial testimony at this proceeding that the annex reflected a positive educational atmosphere unlike the building, yet there appears to be a substantial number of persons seeking transfers from the annex.

Isn't that because the neighborhood where children attend the main building and the annex of I.S. 3[illegible] is a transient area, lots of people moving in and out?

A From the main building you mean? Around the main building?

Q From the attendance zone for the main building and the annex, isn't it a very mobile community?

A Yes, it is.

Q And isn't that one of the reasons why there is always a lot of transfers from I.S. 33 and the annex?

A Well, these requests for transfers, the bulk of these requests for transfers were because of the conditions in the school and not because of the mobility.

Q How do you know that?

A The superintendent told me at that time.

Q Do they reflect in their letters requesting transfers the reasons they want to transfer?

A I have never seen letters. I take the superintendent's word for it.

Q So that these transfers here, even from the annex, I take it, you are telling me were because of a bad situation and not because of the normal transient mobility of the neighborhood?

A There could be several reasons. The annex is only -- was one or two grades and after children were finished at the annex, probably rather than running to the main building they would request a transfer to 318 or some

other school in the neighborhood.

Q So there was a lot of reasons why the persons may have requested transfers?

A Yes. But I am saying that the main reason, according to the superintendent, was the conditions at I.S. 33.

Q But that could have been the main reason for the transfers from the annex?

A It could be if the parents didn't want their children to go to the main building.

Q I see.

A They go from the annex back to the main building.

Q Let me ask you with respect to Mr. Holder, you indicated that there had been an indictment and that was the reason you did not take any action, because an indictment does not negate the presumption of innocence and you didn't want to --

A Yes.

Q Well, were you aware that there also had been a formal complaint filed by the parents association against Mr. Holder, who I understand you found was a capable administrator?

A The School Board was not aware of that.

Q You are unaware that there was a formal complaint

filed by the parents against him?

A I heard there was a letter written by the Parents Association to the superintendent, yes. The School Board was not involved in that at that time.

(Cont'd on next page.)

Q Well, were you more concerned about the parents' problems at I.S. 33 than you were of the parents' problems as they were brought to you at Mr. Holder's school?

A No. I think we were equally concerned about the parents' problems in all our schools.

Q You did not do anything on the initiation of the complaint or letter of the parents against Mr. Holder?

A The Superintendent gets letters of complaint from various parents and small parent groups and so on about various principals and teachers.

Q And --

A He does not bring them all to the school board. He takes care of them himself. He has a staff and so on.

In most cases he can straight out the situation.

Q Now, is it a fair -- is it a fact that many of the parents who sought to transfer from the annex sought to do so because their children, most of whom were black, were being stoned in entering and leaving the school?

A I don't know that as a fact.

Q Well, do you have any knowledge of whether that situation existed at the annex?

A I heard of incidents where the children had trouble with the neighborhood children.

Q Now, at the May 24 meeting in 1973, when you,

meaning the Board, voted to terminate Mr. Huntley, was there an agenda for that meeting?

A Yes.

Q What was the agenda?

A Regular executive board meeting for that month, for May.

Q Was Mr. Huntley invited to that meeting?

A Yes.

Q What was the purpose for his being there?

A To discuss a reorganization plan he had for I.S. 33.

Q Did he appear and present that plan?

A Yes.

We also discussed the termination of the annex at that meeting.

Q That was as part of the regular or reorganization of I.S. 33?

A Yes.

Q Did you personally ask Mr. Huntley any questions about his reorganization plan, his feelings?

A I probably did, but I don't recall specifically.

Q Now, who made the motion to terminate Mr. Huntley at that meeting?

A Mr. Strohmenger.

Q Was that after Mr. Huntley had left?

A Yes.

Q Who seconded the motion to terminate Mr. Huntley?

A I do not recall.

Q Would it be a surprise to you if I told you it was you?

A No.

Q Prior to Mr. Strohmenger making the motion to terminate Mr. Huntley and the seconding of that motion, did the Superintendent make a formal recommendation or orally or in writing?

A He made an oral recommendation.

Q At that meeting?

A At my request.

Q Prior to the motion?

A No, not prior.

I wouldn't allow, as Chairman, any action on that particular motion unless it came on a recommendation from the superintendent.

Q Well, isn't it true --

A Which is the proper procedure.

Q Well, isn't it true that the voting had already started when you decided to make a recommendation, obtain a recommendation?

A No.

Q While Mr. Huntley was present at the meeting to discuss the reorganization, did you advise him, Brother Lally, that his performance was going to be considered after he left as Principal of the school?

A Did I?

Q Yes.

A No, I don't recall that.

Q Did youknow that his performance was going to be considered after he left?

A It wasn't on the agenda.

Q That does not answer my question.

A Did I know?

Q Yes.

A No.

Q So it was a surprise to you --

A No, it was not a surprise because I expected that something like that would happen at any time, and probably should have happened before that.

Q You were not aware that Mr. Strohmenger was going to make the motion?

A No.

Q Once he made the motion you decided to second it?

A Yes, because I figured that the situation had come to a head, and we might as well do it and do it quick.

There was hesitation on the part of some school board members, since it is quite a serious thing to terminate a non-tenured or tenured person.

Q Is it normal procedure for the Chairman, President of the School Board, to involve himself in making or seconding a motion?

A Yes, according to our by-laws; however, I would like to reiterate that anything done in executive session, executive sessions are informal sessions and no motions at an executive session carry any legal weight and that is why we had to have a public meeting.

Q You were directed to have a public meeting, isn't that correct?

A I had asked that question after we had passed the resolution at the executive board.

I was doubtful that we could terminate the next day.

It turned out that I was correct.

Q Do you recall Mr. Fredericks, after the motion was made and you seconded it, whether Mr. Fredericks, the liaison to the school objected to the procedure being used at that time?

Q With you?

A With me.

Q You don't know if Mr. Strohmenger had discussed it with anybody else?

A I do not know that.

Q This was at the end of May; is that correct?

A May 24th.

Q When is the normal evaluation for procedure and decision-making undertaken with respect to principals and administrators and teachers?

A I think evaluation of administrators and teachers is an ongoing process. Normally evaluations usually are made at the end of the year.

Q At that point in time does the Superintendent generally recommend to the Board who he feels should be terminated and who should not be?

A If there is anyone to be terminated, if there is anyone he gives a U rating to he would recommend termination. He would not discuss his ratings with the school board unless it was an extraordinary situation, which this was.

Q This particular situation was extraordinary?

A Yes.

Q Did Mr. Rogers make that oral recommendation to

dismiss Mr. Huntley at that executive board meeting?

A Yes.

Q Do you recall what his recommendation was?

A I asked him if he would, if he would recommend to the Board to remove Mr. Huntley and he said he did.

Q Did he formally say I recommend?

A Yes.

Q Or did you put it in question form?

A He said, do you want me to make the recommendation and I said yes, if you want to, and then he made the recommendation.

Q Was there any discussion on the recommendation?

A There was discussion on the motion.

Q And what was --

A By the way, there was a very small discussion on the motion because I think that those who were in favor of the motion had gone through enough in the last past year and a half, previous year and a half, and I think everyone was relieved at the situation, that the situation had come to a head.

Q Were they as relieved about the fact that there had not been any fires in the prior two months prior to Mr. Huntley's termination?

A I do not know that there were not.

Q Did you ask Mr. Rogers that?

A Periodically in conversations with Mr. Rogers he said things were getting worse and not better.

Q So it comes as a surprise to you if I said to you that the reported fires indicated there were not any from the end of March through the May 24th meeting?

A I would say that the reported fires, yes; that is not to say there were not any other incidents and fires not reported.

Q Are you personally aware of unreported fires?

A No.

Q Did you ask Mr. Rogers of any unreported fires at that May 24th meeting?

A No.

Q Are you aware that there had been a decrease in untoward incidents as untoward incidents are reflected in the school district record?

Are you aware there had been a decrease in that year in I.S. 33?

A No.

It was my opinion there was an increase.

Q It would be a surprise to you if I told you there was a decrease?

A In -- well, if in fact there was, it would be

a surprise.

Q Did you ask Mr. Rogers at that meeting?

A No.

MS. ROTHMAN: I object to the term untoward incidents.

This witness is not familiar with the fact that in this chart untoward incidents are incidents that took place outside the school and not inside the school.

That is what Mr. Rogers testified to on direct.

THE COURT: Overruled.

Proceed.

Q Did you ask Mr. Fredericks when the motion was made to terminate him, to terminate Mr. Huntley, did you ask him specifically when the last time that he was in the school?

A No.

Q Did you ask him what specifically he felt about Mr. Huntley's performance in the school?

A No.

Q Do you recall if anybody on the board that night did?

A No.

Q Do you recall if he had any written criteria that you were utilizing in determining whether or not to terminate Mr. Huntley?

A Written criteria?

Q Yes.

A No.

Q Were there any written procedures utilized by the Board in the process of evaluating and terminating Mr. Huntley?

A The only procedure required by law is that the Superintendent would recommend the termination of a non-tenured person and that the Community School Board would then pass a resolution at a public meeting to that effect.

Q Brother Lally, did you suggest that the Board give Mr. Huntley the option to resign so that it wouldn't have, the firing wouldn't have such a negative effect on him?

A Did I ever make that recommendation?

Q At the board meeting that night, May 24th.

A No.

Q Do you recall if anybody did?

A No.

Q Now, as I understand it, you were directed to ratify this executive vote at a public meeting?

A Yes.

Q You were not directed, were you, to hold a public hearing?

A No.

Q What is the general procedure that the board uses when they decide at an executive meeting on a particular resolution; what is the procedure used at a public meeting to vote on that resolution?

A I don't understand your question.

Q All right.

Do you come to a resolution in an executive meeting, when you do, and in order to make it official you have to vote on it at a public meeting and what is the procedure used at a public meeting with respect to that resolution?

A Usually, according to our rules of meetings we allow one-half hour discussion on a particular item.

This was not a regular public meeting. This was a special public meeting called for one particular purpose.

The only item on the agenda was the resolution to dismiss.

I was not the Chairman of that meeting. I was not the President of the Board at that time, but the President of the Board or the Chairman may be allowed one-half hour discussion on that particular item.

Q On the particular resolution?

A Right.

Q I take it the resolution was written out on an

agenda?

A Yes.

Q And the resolution was that the Community School Board terminate Mr. Huntley; is that correct?

A Yes.

Q There wasn't any directive, was there, from the Chancellor to make the public -- well, to make public the charges against Mr. Huntley?

There were no charges as such. There was a letter of explanation from the Superintendent outlining his reasons for recommending removal.

It was read at the public meeting by, I believe, the Secretary, and I am not sure who it was at that time. But it was read and the reason it was read was by way of explanation supporting the resolution.

Q Well, has that procedure ever been utilized up to that time in terminating any individual administrator or faculty of the school board?

A No.

Let me just correct that just slightly: On the agenda we are required to have an explanation for resolutions; so as part of the explanation there are no detailed charges but there is a general explanation, usually.

THE COURT: All right. We will have to take

a recess until 2:25.

Is this an appropriate time to break?

MR. MEYERSON: Yes.

I only have a few more questions.

THE COURT: The Court has considered the motion of the Plaintiff that Mrs. Dorothy Straker and Mr. Venuti Gibbs be called as Court witnesses.

The motion is granted.

They can be so informed.

All right, are we going to complete today?

MS. ROTHMAN: Yes, I only have one or two more.

I had another two witnesses which I had put in my pretrial order but they are both sick. One had open-heart surgery and one is an old man.

Would you stipulate that that testimony would be similar --

THE COURT: Well, why don't you work that out during the recess?

(continued next page)

BROTHER ROBERT LALLY, called as a witness, having been previously duly sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION

BY MR. MEYERSON (Cont.):

Q Brother Lally, I just have a few more questions to ask you.

You indicated on direct examination that there was a teacher who had been in Vietnam and had some negative statements to say about the situation at the school.

What was the teacher's name?

A I don't know.

Q Now, you also indicated that Superintendent Rogers advised you that there was some unreported fires towards the end of 1972 --

A No, he didn't say unreported. He just said there were a large number of fires, incidents of fires. He didn't say they were reported or not.

Q You are aware of the fact now that the reported fires showed a decrease from the end of March to the beginning of June?

A Yes.

Q Now, you discussed, I believe, on direct examination, that you had a meeting at the end of March with

Mr. Huntley where you discussed fires and he indicated he would take steps?

A What year was that?

Q The year I am trying to figure out. Was it March '73?

A '72. May '72.

Q Did he indicate what steps he was going to take?

A I recall vaguely some of the steps, assigning people to patrol the halls and so on and make sure the children don't enter the classrooms when they are not occupied.

Q Did you ever consult back with him after that meeting to ascertain what steps in fact he did implement?

A No, the Superintendent did that. That is his job.

Q Did you ever determine from him, Mr. Huntley or the Superintendent, if in fact the fires had diminished after the March meeting?

A For a short time, I would say they diminished, but not appreciably.

Q You say they didn't slow down, so to speak, appreciably, that is information you gleaned from Superintendent Rogers; is that right?

A Yes, that is my impression, I don't know the exact number.

Q Now, do you recall in February 1972 writing to

Mr. A. Brodsky, the chapter chairmanfor I.S. 33?

A No, I don't recall.

Q If I may, I would like to show you Plaintiff's Exhibit 26 marked for identification.

MS. ROTHMAN: Okay, as far as I know. Perhaps Brother Lally could look at it and see if he remembers writing it -- if he remembers receiving it.

(Pause)

THE WITNESS: Yes, I remember that.

Q Was that, Brother Lally, was that one of the meetings you referred to in your direct examination?

A Yes.

I think that was the first one.

Q I note on this exhibit, Plaintiff's Exhibit 26, that you sent a copy of this letter to Mr. William Rogers?

A Yes.

Q Did you send a copy of this letter to Mr. Huntley?

A No.

Q Did you have a meeting with the teachers of the consequence of this letter?

A Yes.

Q Did you ask Mr. Huntley to attend?

A No.

Q Did you speak to Mr. Huntley about what was

discussed at the meeting?

A No, I presume Mr. Rogers did since he is the one that should take care of that end. We have policies, unless something is of an extraordinary nature, the Superintendent handles it on an administrative level.

Q I take it, then, the meeting you had with Mr. Huntley to discuss the curriculum at the school, more specifically to the gang member situation, was something that the board felt as a matter of policy was extraordinary?

A I never had any discussion about the gangs with Mr. Huntley or any problems like that.

Q Who did you have discussions with?

A No one.

Q No teachers?

A Teachers? About the gangs?

Q Yes.

A That came up in the discussion, yes.

Q Were these teachers at this first meeting?

A Yes. I am not sure whether the first of second meeting.

Q When was the second meeting? I am trying to get it straight.

A The second meeting, either the beginning of '72-'73 school year -- I believe probably during the fall.

Q Who requested this meeting?

A The teachers. As a matter of fact, I didn't call the meeting. I was invited to the meeting because I was in the district office. They came up to see Mr. Rogers and a couple of other school board members that were there and they asked me to attend.

Q Was Mr. Huntley present at the meeting?

A No.

Q Do you know if he was invited?

A He was not.

Q Was Mr. Brodsky present?

A I believe he was.

Q Up to this point in time, February 4, 1972, had any of the officials ever requested to meet with you about a teacher?

A No. At that time we weren't meeting with the teachers on a union level. It was on a school board level.

Q As a consequence of this February --

A Yes.

Q But you were meeting at the request of a UFT Chapter Chairman?

A Yes.

Q You weren't meeting on a contract problem?

A No, nor a grievance problem.

Q Have you since ever met with the union pursuant to a union request, met with teachers informally?

A No, not on a union problem. The school board usually doesn't meet with the union on a school matter. The Superintendent handles that.

Q I take it this was something out of the ordinary that has not been done since or prior?

A Meeting with teachers -- I think that is the only time as a group like that.

Q Now, this meeting, as I understand this letter, and correct me if I am wrong, was to discuss the morale problem at the annex, is that correct?

A I am not sure whether that was the only thing discussed. That was part of it.

Q Do you recall what else was discussed?

A Well, I think they are discussing some of the teachers were told to cut their hair and how to dress, talking about beingharassed by the administration.

Q In other words, my understanding is some teachers approached you to discuss, among other things, that some administrators were dissatisfied with the way they were dressing and the length of their hair?

A Among other things, that was at the first meeting.

Q Did they indicate whether that administrator was

Mr. Huntley?

A Yes.

Q Was there any particular individual that complained about his dress?

A I don't recall.

Q Did any individual indicate to you that Mr. Huntley had advised them to stop using certain language in front of the children?

A No.

Q Did any of the teachers complain Mr. Huntley told them he didn't think it was appropriate for them to wear dungarees to school when teaching?

A I don't recall them telling me that.

Q Just one or two last questions with respect to this letter and this meeting.

After you had the meeting, and such topics as length of hair and clothing were broached, did you tell them to go back to Mr. Huntley or go to the Superintendent?

A The Superintendent-- I don't know if the Superintendent was there, but we never referred it to the Superintendent.

Q Did you think this was a proper thing to be discussed with you particularly?

A I think that the teachers felt -- you see, in our

office we have a policy that we will meet with any group at any time if it is at their request. If we consider that it is an administrative situation we refer it to the proper office. In this case it was the Superintendent. On that first -- and on the second meeting, too. At least we listened. I think we got some action because the Superintendent took it from there.

Q I thought that you only discussed matters with teachers when you felt them to be extraordinary?

A Well, no. Discuss with teachers, no. If any group of teachers came and wanted to speak to me we would speak to them.

Q Now, was there any pressure to hire a black principal at or around the time when Mr. Huntley was hired by the Community School Board?

A I think there was slight pressure. The pressure being the recommendation of the whole board which made the choice except they didn't act on the confirmation of the choice and the parents' association at the time and the local community group --

Q There in fact had never been a black principal in District 14 prior to that?

A I think that is correct.

Q When you defended your position, and when I say

you, the Board, with respect to the appointment of Mr. Huntley, isn't it a fact that as much as defending the substance of your appointment you were defending the ability of the school board created under decentralization to take the action?

A No. We were defending our appointment. We thought it was legal and within our right to make that appointment.

Q Now, do you recall if Mr. Huntley was advised not to continue the program of inviting gang members to address students?

A I am not aware of that. Mr. Rogers might have.

Q You are therefore not aware whether Mr. Huntley ceased this program?

A No, I am not aware.

Q Now, prior to the executive meeting on May 25, 1974, did you consult with the Parents Association?

A No.

Q With respect to possible termination of Mr. Huntley.

A No.

Q Between the executive meeting and the public meeting, did you speak with Mrs. Pratt and advise her --

A No.

Q One or two last questions.

You are familiar with a Mr. John Krulla, who was a probationary teacher of English in Intermediate School 33?

A I heard the name but I am not familiar with the case.

MR. MEYERSON: Your Honor, this was made available as one of our potential exhibits and it hasn't been marked. I request it be marked for identification. It is a letter dated October 18, 1971 to Brother Robert F. Lally, President, from Ralph T. Brandy, Community Superintendent.

THE COURT: Mark it for identification.

THE CLERK: 34 for identification.

(So marked for identification.)

Q Brother Lally, will you refresh your recollection --

A Yes, this is one of the two teachers we terminated as non-tenured teachers.

Q Mr. Lally, will you read that last paragraph in that letter?

A Yes.

"This resolution is not to be published on the public agenda for October 27, 1971. The agenda should simply read that the Community School Board consider a resolution for dismissal of a probationary teacher. Neither the actual

resolution nor the teacher's name is to be printed."

Q Was that a policy of the Board?

A A by-law of the Board of Education, that a teacher's name -- non-tenured teacher's -- name and specification may not be on the agenda.

Q I take it you didn't follow that by-law --

A He was non-tenured.

Q -- with Mr. Huntley.

A No.

MR. MEYERSON: Your Honor, I would like to submit this document into evidence.

THE COURT: Any objection?

(Pause)

MS. ROTHMAN: No.

THE COURT: Mark it.

THE CLERK: Plaintiff's Exhibit 34 for identification marked in evidence.

(So marked in evidence.)

Q What was the race of that individual?

A I don't know.

(continued next page)

Q Brother Lally, was that individual given an option to resign prior to formal termination?

A Not that I know of.

MR. MEYERSON: Your Honor, if I may, I would like to have marked for identification this letter, a copy of which was made available to Mr. Rothman.

THE CLERK: Plaintiff's Exhibit 35 for identification.

(So marked.)

MR. MEYERSON: This is Plaintiff's Exhibit 35 for identification. It is a copy of a letter to Superintendent Brande from what appears to be the signature of John Krulla.

MS. ROTHMAN: May I see that?

MR. MEYERSON: Yes.

(Pause)

MS. ROTHMAN: I am going to object to this because Mr. Brande was here in court to testify. He could have asked him about it. It's not addressed to Brother Lally and he did not send it.

MR. HOFFMAN: It is.

MS. ROTHMAN: Oh, I am sorry. Okay.

Q This letter is addressed to Mr. Brande and yourself.

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I show you this letter marked as Plaintiff's Exhibit 35 for identification and I ask you if that refreshes your recollection about whether Mr. Krulla did in fact resign?

A I don't recall this letter.

Q You don't recall receiving it?

A No, I don't recall receiving it.

Q Do you know whether in fact Mr. John Krulla did resign?

A I don't know.

MR. MEYERSON: Your Honor, we would like to submit this letter into evidence. We received it in the course of discovery.

THE COURT: What is the position of the defendant?

MS. ROTHMAN: You received this letter from me?

MR. MEYERSON: Yes.

MS. ROTHMAN: I didn't send you this.

THE COURT: Are you objecting or are you not?

MS. ROTHMAN: I don't object.

THE COURT: Mark it in evidence.

THE CLERK: Plaintiff's Exhibit 35 for identification marked in evidence.

MR. MEYERSON: We have no further questions, your Honor.

MS. ROTHMAN: I have a few.

7.26

REDIRECT EXAMINATION

BY MS. ROTHMAN:

Q I was a little unclear on the difference between the function of the Community School Board and the Community Superintendent. It was brought out on cross-examination that certain things possibly you should have done -- can you explain exactly what the function of the school board is as far as the day-to-day investigation into the happenings of different schools?

A The major control and running of the schools is left to the Superintendent. The administration of the school is left to the Superintendent. The day-to-day problems in running of the school.

The main function of the Community School Board is to set policies in education in the district.

The Superintendent's job is to carry out that policy to the best of his ability.

The Community Superintendent recommends to the school board appointments of teachers and supervisors. Basically, the problem is that the difference between -- the line between policy and administration sometimes is very hazy and some people go off one way or another.

In our district we try to keep the Superintendent and the school board on the right side of that line.

Q You mentioned two meetings that took place between you and the teachers. You mentioned the first meeting had to do with certain grievances about hair and dressing, was the second meeting different?

A Very different. The second meeting was where all of the complaints of the -- almost a desperation on the part of the teachers complaining about the incidence of the fire and assault on teachers and so on.

Q Was that the meeting where 60 teachers attended?

A Yes.

Q Do you know approximately what the entire staff was?

A No.

Q You also testified, I think it was on cross-examination, that two blacks were taken out of the district office, there were two blacks taken out -- what happened to these blacks taken out?

A Mr. Pritty now is Principal of I.S.33 and Mr. Hank Whitney is now Assistant Principal, an Assistant Principal at I.S. 33. They both applied for the position when it was vacated.

Mr. Whitney applied for the Assistant Principal position and Mr. Pritty applied for the Principal's position. In both cases it meant an increase in salary for them and that's

why he applied to go in the school.

Q Were they in fact promcted?

A I would consider it so, and I think they did, too.

Q Although there are no blacks in the district office, have there been a substantial increase in blacks in supervisory positions, members of minority groups of district-wide --

MR. MEYERSON: I object to the word substantial.

Q Has there been an increase?

A Yes. There has been an increase even in the last three years in the number of blacks and Puerto Ricans, minority supervisors, on the Assistant Principal and Principal level.

Q You mentioned before that a by-law supplied to Mr. Krulla and the by-law did not apply to Mr. Huntley. Do you have any idea why?

A The by-laws of the Board of Education are different for supervisors than they are for teachers. Dismissal of a non-tenured teacher is covered by contract, union contract agreement. The supervisors are entirely different. That's why the procedure followed in the case of Mr. Huntley is a lot different than if we were talking about a teacher and I think it is an unfair comparison.

Q In the case of an Acting Principal, do you know in fact if there are any written requirements, or if there were at the time?

A No, I have never seen any.

MS. ROTHMAN: I have no further questions.

MR. MEYERSON: Just a question ortwo..

RECROSS-EXAMINATION

BY MR. MEYERSON:

Q If there were no written guidelines to cover administrators --

MS. ROTHMAN: He said acting.

Q -- acting administrators, what was the reason you didn't use the guidelines that are applicable to probationary -- acting teachers?

A We don't because we didn't have to so we didn't.

Q When was that second meeting you referred to where there was approximately 60 teachers?

A I think I told you before it wasin the fall of '73. I could be mistaken. Fall of '72.

Q Was that after a staff meeting that had been held at the school?

A I don't know.

Q At the end of that '72-'73 school year, there

had in fact been a decrease in fires -- on your examination you indicated that there was a boycott --

MS. ROTHMAN: I object. This hasn't been brought out on redirect examination.

MR. MEYERSON: Well, you did bring some stuff out about fires.

THE COURT: I think it is repetitive.

MR. MEYERSON: Can I ask one or two questions?

THE COURT: You may ask.

Q You indicated that there was a three-day boycott and there was an Easter vacation between the end of March and beginning of June; is that correct?

A Yes.

Q How long was the Easter vacation that year?

A I don't recall. Approximately a week and a half.

Q About seven school days?

A Seven or eight.

Q And three-day boycott; is that correct?

A Yes.

Q You are attributing the decrease in fires to the fact there were approximately ten or eleven days --

A After the dismissal I believe there were only a small number of students that went to school.

Q That was after Mr. Huntley was terminated?

A Yes, after June 5th.

Q Finally, are you aware whether or not Mr. Pritty was directed to the intermediate school to take over the position?

A He was assigned until a principal could be -- until we could go through the procedure of selecting a principal.

Q Are you aware whether he sought the assistance of Mr. Fredericks to become the Chief Financial Officer of the District?

A I am not.

Q Do you know whether the Chief Financial Officer of the District makes more money --

MS. ROTHMAN: I object.

A I wasn't aware that he was looking for a position such as that.

Q My question is, are you aware whether or not the Chief Financial Officer makes more money in salary than a principal?

A He does not.

MS. ROTHMAN: I object.

A I can tell you the position does not.

MR. MEYERSON: Nothing further.

THE COURT: Thank you, sir.

MS. ROTHMAN: Before calling the next witness, they agreed to accept this in evidence, the number of security guards on the payroll --

MR. HOFFMAN: Except there are errors.

MS. ROTHMAN: What are the errors?

MR. MEYERSON: I.S. 71.

MS. ROTHMAN: I will take your word for it and change it.

With the noted correction, can this be accepted into evidence as Defendant's Exhibit GG? It has to do with the number of school guards -- security aides and school guards in District 14.

MR. HOFFMAN: We have no objection to having those documents entered into evidence with the caveat that the Court be made aware that those statistics are for one week at the end of the year and the statistics previously given to us are different. And with that understanding that that does reflect as of May 29, 1973, the situation in the school, we have no objection.

THE COURT: Next.

(continued next page)

MS. ROTHMAN: I would like to call Mr. Arthur Brodsky. I think he is in the witness room.

THE COURT: Defendant's Exhibit GG in evidence.

(Document so marked.)

MS. ROTHMAN: May I go for the witness?

THE COURT: All right, we will take a few-minute recess. That will give counsel a break.

(Short recess)

(After recess)

MS. ROTHMAN: Mr. Brodsky.

A R T H U R B R O D S K Y , called as a witness, having been first duly sworn by the Deputy Clerk of the Court, took the stand and testified as follows:

THE CLERK: May we have your full name?

THE WITNESS: Athur Brodsky.

THE CLERK: Will you spell your last name?

THE WITNESS: B-r-o-d-s-k-y.

DIRECT EXAMINATION

BY MS. ROTHMAN:

Q Mr. Brodsky, are you presently employed at I.S. 33?

A Yes, I am.

Q In what capacity?

A Teacher.

Q Were you a teacher at the school at the time Mr. Huntley was acting principal?

A Yes, I was.

Q Did you hold a UFT position at the time?

A Yes, I was UFT Chapter Chairman.

Q Could you briefly describe the situation at I.S. 33 when Mr. Huntley was Principal?

A Yes. Conditions at I.S. 33 were very chaotic. Children -- oftentimes there were children running through the halls. Very little education, I believe, was going on. There were many fires in the school. And general conditions were rather poor.

Q Was it different before Mr. Huntley became Principal?

A Yes, it was. It was better before that.

Q Aside from union matters did the teachers at I.S. 33 ever come to you to complain about the situation?

A Yes, they did. In my position as Chapter Chairman, teachers wouldcome to me quite often to complain about conditions, that they were unable to get much accomplished; and that they were fearful of the things that were going on at 33.

Q What were they fearful about?

A Well, to a large extent they were fearful of

their physical safety at times.

Q Did you and the other teachers try to work with Mr. Huntley to improve the situation?

A Yes, we did.

Q Did you meet with him?

A Yes, we did, or we tried to. As part of the UFT contract the Principal is required to meet with us once each month. At times it was very difficult for us to have these meetings. And Mr. Huntley oftentimes did not meet with us. Sometimes he did but oftentimes he did not.

Q Even though you requested meetings he refused to meet with you; is that what you are saying?

A Yes, right. It was required under the contract to meet at least once each month.

Q How many teachers would you say came to you to complain about the situation? Approximately?

A Over the course of time I would say about fifty teachers.

Q Do you know what the entire staff was at I.S. 33? Approximately?

A At the main building the staff was about eighty teachers.

Q So was it fifty out of the eighty that you say came to you to complain?

A At various times.

Q Did they complain about the general situation at I.S. 33 and about Mr. Huntley, or both, or what?

A Well, they complained about both. As I said, the situation was -- it was a dangerous -- what we felt -- what the teachers felt was a dangerous situation to them.

Q Did Mr. Huntley know that these teachers felt this way about the situation?

A I believe so. He was told, you know, at the meetings we did have, and often at faculty conferences it was expressed, the teachers' feelings, about the way the school was being run.

Q What was his response to the suggestions?

A Well, we didn't see any changes that occurred. The situation seemed to get worse as time went on.

Q What was his attitude toward teachers who complained about the situation? Could you recall anything specific?

THE WITNESS: Will you repeat that, please?

Q Could you recall anything specific about Mr. Huntley's attitude toward teachers who complained about the situation?

A Well, I know the teachers themselves oftentimes felt threatened about their personal safety. When I would

talk to him sometimes he stated to me, on more than one occasion, that he felt that he was at war with the teachers.

Q In general, how would you describe the teacher morale at I.S. 33 when Mr. Huntley was principal?

A Well, I think the record would show that morale was poor as evidenced by a very high absentee rate of teachers. They did not want to come to work each day. There were oftentimes teachers who were out because of the way conditions were, the fires that I spoke about and things like that, led to this feeling of frustration on the part of teachers.

Q Were there many grievances filed against Mr. Huntley under the UFT contract?

A Yes, there were.

Q Did you handle these grievances as UFT coordinator?

A Well, that's my job when the teacher feels he has a complaint, you know, they come to me first of all to see if it is a grievable offense against the contract, and then if I think it is or on the advice of someone else in the union, if I feel, you know, it is a grievable offense, then it is my job to represent them if they wish at a grievance hearing.

Q As a UFT grievance expert why do you think there were so many grievances filed against Mr. Huntley?

A Well, it seemed after Mr. Huntley in alot of cases went against the contract as set down by the UFT and the Board of Education.

Q Do you recall him ever making any statements about the UFT contract?

A Well, I think that he felt that it really did not apply at I.S. 33.

Q Did he say that?

A I believe he did.

Q Did he say that to you?

A I believe he said that at a general meeting.

Q What did he say?

A That the contract did not apply at 33.

Q Do you know what he meant by that?

A No.

Q Well, what was the situation with respect to the fire alarms when Mr. Huntley was Principal? Were there a number of false alarms?

A Yes, there were. There were many false alarms during the course of Mr. Huntley's tenure as Principal.

Q Could you approximate like how many in the course of a day or a week?

A On some days there could have been as many as ten or fifteen false alarms that went off.

Q Do you remember anything significant about any of Mr. Huntley's directions as to how teachers should respond to these fire alarms?

A Yes. Mr. Huntley stated that teachers should not respond to the alarms when they went off but rather they should wait until the Director came over with the loudspeaker as to whether there was really a fire or not.

Q Do you know if this is contrary to the Board of Education regulations?

A I believe it is that -- I believe it is a Board of Ed requirement that when the gongs go off you are supposed to respond to the gongs.

Q Were there ever in fact situations where gongs went off and nothing in fact came out over the loudspeaker?

A Yes, there were.

Q What was the reaction of the teachers? Were they frightened?

A Well, the thing is teachers never knew exactly what they were to do. There were occasions where fires actually in fact did start and teachers didn't leave because there was no direction telling them to leave the building.

Q Did you and the teachers ever meet with the Community School Board? Do you recall?

A Yes.

Q Do you recall when?

A Well, I remember there was one meeting where there were many teachers at the meeting concerned about the conditions at I.S. 33. Scared of their safety and scared for the safety of the children they were teaching, and very, very concerned.

Q Do you know approximately when this took place? How many teachers?

A I believe the meeting was in May of possibly '73 and I believe there were fifty-eight teachers at the meeting.

Q Do you recall a suggestion made by Mr. Huntley that eighth grade students be used as, I think it was called fire marshals, in the hallways to patrol or stop the fires?

A Yes, I do.

Q Was that effective? Could you describe how that situation with these eighth-grade students, how it was implemented, what occurred, if you can recall?

A Yes, I think -- what it was, it was that some, I believe, some of the worst troublemakers of the school were put in charge of the fire alarm boxes where they would sit there for the entire day, and I think they took it upon themselves -- it started to become a social event for them. They would bring their transistor radios with them, and oftentimes had their girl friends with them. I didn't think it was the

best policy that could have been put into effect.

Q Were there any serious threats -- I realize that every fire is a serious threat to somebody's life -- but do you recall any incident where there was a close call where people almost got hurt or did get hurt as a result of a fire?

A Well, there was one occasion when a class went down the back staircase which I believe was then the -- the door was locked. It was chained shut so they were unable to get out. But generally, you know, during many of the fires they were at there was a great deal of confusion with some students leaving the building and some students trying to go back and get their coats. It wasn't just very clear as to what anyone was to do.

Q Do you have any personal knowledge or do you recall Mr. Huntley ever accusing any teachers of starting the fires?

A Not in direct words, but I think he hinted at it, even the testimony that he made -- during his testimony. I recall he said something to the effect that the intensity of heat was too great for children to set. But I don't think he ever directly said it.

Q As a teacher of the school and conversant with the situation there, do you feel that this was a possibility?

A No, no possibility.

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Q Who do you feel in fact set these fires?

A Well, I feel that children set the fires.

Q Do you recall any incidents with gang members, these are non-student gang members, coming into the building when Mr. Huntley was principal, with his approval?

A Well, I know there were gang members that did in fact go in and speak to one of the classes during the social studies lesson, I believe. But there were also many gang members that were in the school at that time.

Q Were these students, or non-students?

A Those that came in for that particular lesson were non-students. Though there were others in the school who were students who were gang members.

Q Do you remember anything specific that happened as a result of these gang members, non-students, coming into the school?

A Well, it appeared that there was an increase in children joining gangs after that.

Q Did you feel that there was any danger or problem as far as gangs coming in?

A Well, yes, these were a lot -- These were bad kids, basically. You know, they weren't bent on any good will towards more people.

Q How did the teachers in general feel about these

gang members coming in?

A Quite upset. Quite upset, which they stated to me.

Q Were there any confrontations?

A Well, there was one major confrontation right outside the school one afternoon at 3:00 o'clock, where during the day a teacher had taken matches away from a student, and he had gone out and gotten his friends to come back, or members of another gang, and they even made a phone call and got some kids down from the Bronx. And he felt he was surrounded outside, and they had threatened to beat him up, and whatnot.

Q Were there any directives from Mr. Huntley in regard to the teachers being allowed to call the Police if they felt threatened, or if they felt they were in a dangerous situation, do you recall?

A I believe Mr. Huntley stated that only he would decide if the Police should be called to his school for any reason.

Q Do you feel that this created a teacher problem in the sense that it was an immediate --

A I believe that if any teacher felt threatened at any time that he should have the right of any citizen to, you know, call the Police, if they were physically threatened.

Q Are you familiar with any voluntary patrols that

were formed in the school at the time Mr. Huntley was principal

A Yes, I am.

Q Will you describe these patrols?

A Yes, as I stated, the conditions were quite chaotic, and teachers themselves, and I believe the UFT Committee, in fact people that worked on my comm..ttee with me, instituted, or volunteered that we would give up time when we weren't teaching to in fact patrol the halls, and try to pick up those students who were cutting out of classes and roaming the halls. But first, you know, we wanted to make clear that when we picked up these students, you know, hopefully, that, you know, that the students who were causing the trouble when we picked them up would be dealt with, and then that we would be able to bring them somewhere, that there would be an office open, and that there would be administrators in the offices where the students could be brought. And at times we had difficult with this.

Q Were you able to bring them to Mr. Huntley?

A On occasion he did cooperate with that.

Q Are these volunteer patrols the same thing that was called Operation Flush? There was some testimony today.

A I do not recall if -- What we did was voluntary patrols. Probably the same thing. But this was instituted by -- It was instituted by teachers.

Q Do you recall anything called Operation Flush instituted by Mr. Huntley?

A Well, I heard of it. I don't recall whether it was in effect that year or not. I know Operation Flush has been at various times throughout my tenure.

Q Would that be the same as the voluntary patrols, or something different?

A Well, it has the same effect. I don't recall if anyone else led that or not. But the effect was to try to clear the halls of students who were not in classrooms.

Q In your opinion as a teacher on the staff, do you feel that Mr. Huntley did anything to effectively alleviate the situation at I.S. 33?

A No.

Q What would you say was the instructional situation at the time Mr. Huntley was principal?

A I think it was minimal at best.

Q Do you recall exactly what happened -- Well, not exactly -- but in general what happened the day Mr. Huntley was notified to leave I. S. 33? What his response was?

MR. MEYERSON: When? Could you be more particular?

MS. ROTHMAN: I think that was the day he was officially supposed to vacate the premises.

MR. HOFFMAN: May 25th?

MS. ROTHMAN: I think so.

A I believe that was the day after the School Board Meeting.

Q Yes.

A Which I believe was June 6th.

Q June 6th.

A When Mr. Huntley got on the loudspeaker and read either a letter or a telegram that was delivered to him, telling him that he was no longer the principal at I.S. 33. And he read that over the loudspeaker to the students. And as he finished, another member of the community, someone, Mrs. May Miller, got on the loudspeaker, and over the loudspeaker told the children that there was no more school until, I believe, Mr. Huntley was put back, and that all the children should go home. And the kids started running out of the classrooms, down the stairs. And the school was empty in a short period of time.

Q You worked with two black Assistant Principals at the time Mr. Huntley was Principal, am I correct, Dorothy Straker and Mr. Gibbs?

A Well, Mrs. Straker was in the annex, and Mr. Gibbs was in the building.

Q Did you have any problems in working with them?

A No.

Q How is the situation at I.S. 33 today?

A Much better.

Q And do you find that you or any of the teachers that you are conversant with have any problems taking orders from a black Principal?

A No.

MS. ROTHMAN: I have no further questions.

CROSS EXAMINATION

BY MR. HOFFMAN:

Q You never had problems at the annex?

A I wasn't teaching at the annex.

Q So you don't know whether there were problems at the annex? Is that correct?

A That is not what I said.

Q Were there problems at the annex?

A On occasion.

Q Were there any morale problems at the annex?

A On occasion.

Q And you brought those morale problems at the annex to the attention of the Board, is that correct?

A Well, there was a -- The teachers at the annex sort of had their own Union Committee over there, and dealt with their problems at the annex, but according to the UFT regulations there was still only -- there could only be one Chapter Chairman,

and if they had any problem, they would usually call me and ask me to either help them or represent them if they felt they had a problem.

Q Let me repeat the question. Did you bring the morale problems at the annex up to the attention of the Board.

A After the problem was brought to me, and the teachers talked to me, and asked, or told me that they had a problem, and they wanted to talk to some members of the Board, I did in fact do that with them, or for them.

Q Did you talk to Mrs. Straker, who was at the annex before you went to the Board?

A No, Mr. Schenker talked to Mrs. Straker -- Mr. Schenker talked to Mrs. Straker.

Q You believe she did. My question is, you wrote the letter to ask for a meeting of the Board --

MS. ROTHMAN: I would like to make an objection for the record. I think your attitude is a little too strong and almost threatening. Will you lower your voice a little and not be so threatening.

MR. HOFFMAN: I am sorry. I didn't mean to.

THE COURT: Direct your remarks to the Court, not to counsel.

MS. ROTHMAN: I am sorry. I meant to direct them to you, but I looked at him when I said it.

THE COURT: I assume you did.

Reduce your voice if you can.

MS. ROTHMAN: I am sorry.

Q You wrote a letter to the Board requesting a meeting regarding the problems at the annex, is that correct?

A I believe there was a letter.

Q Did you participate in writing that letter?

A Yes.

Q Did you talk to Mrs. Straker before you wrote that letter?

A No, I did not.

Q Have you ever gone and written a letter to the Board regarding a problem with a teacher other than a situation with Mr. Huntley and Mrs. Straker, who was under him?

A Not that I recall.

Q Not that you recall?

A No.

Q And I believe you also testified that there were teachers who were staying out of I.S. 33 because they weren't sick or had a legitimate excuse to be out?

A I didn't say that.

Q I thought you said there were teachers who stayed out because of low morale.

A I said there was a low morale problem, but I didn't

check their sick excuses.

Q So you don't know whether they stayed out because of a low morale problem, do you?

A Well, I know what people said to me. And people stated to me that --

Q Did a teacher ever tell you --

THE COURT: Excuse me. Have you finished?

A (continuing) They expressed their fears about coming to 33 on numerous occasions.

Q Did a teacher ever tell you that she had stayed out even though she wasn't sick, and even though she had no legitimate excuse to stay out of that school?

A I don't recall if they said it in those words or not.

Q Now, when a teacher is assaulted, is a report made?

A There should be.

Q And is an assault considered what is called an untoward incident?

A Well, can you rephrase that?

Q Are you familiar with the term "untoward incident"?

A No. That is why I asked you to rephrase it.

Q You are not familiar with it?

A No.

Q So that assaults that teachers were involved in would be recorded and would be documented, is that correct?

A They shou'd be.

Q Would you receive copies of those reports?

A No.

Q Now, you said many grievances were filed against Mr. Huntley because of the violation of the Union Contract and By-Laws?

A Because of the Union Contract.

Q Well, if there is a violation of the By-Laws, wouldn't that also be included as a grievance?

A I believe so.

Q Therefore, Mr. Brodsky --

MR. HOFFMAN: Strike that.

Q Now, you said that Mr. Huntley had made a directive over the communication system regarding fires, which was against the By-Laws, is that correct?

A No, I said I believe so.

Q Therefore, you believe that there would be a grievance regarding that matter?

A I don't think there was.

MS. ROTHMAN: I object to this question, insofar as I do not think Mr. Brodsky is a lawyer, and I do not know if he is sure that the grievances apply to By-Laws.

MR. HOFFMAN: I object to being interrupted, your Honor.

THE COURT: Well, it's a proper objection. But it is overruled. Continue.

Q Was there hostility by some teachers against Mr. Huntley?

A I do not think so.

Q Is there hostility against Mr. Huntley now?

A I don't think so.

Q Did you ever hear of the TIC?

A Teachers Interest Committee, you are referring to?

Q That is correct?

A Yes.

Q What is the Teachers Interest Committee?

A What is it? It is generally a group of teachers that contribute money for the purpose of either running a party at the school or giving social events.

Q I notice that there is a party which the TIC is running, and one of the items on the agenda is "Huntley is Back in Town." Do you know anything about that?

A I know the TIC is running a party, and that's all I know about it.

Q Do you know anything about that item on the agenda?

A I believe the party is this week, and I have been in court this week.

Q Now, do you remember whether or not one of th fire alarm boxes which would ring for the school was actually outside the school, actually situated just outside the school?

A No.

Q You are not familiar with that?

A No, I am not.

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(continued on next page.)

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Q Now, Mr. Brodsky, would it be fair to say that the UFT was opposed to the appointment of Mr. Huntley when he was appointed in 1970?

A No, it would not.

Q They were not?

A It would not, no.

Q They were not opposed to Mr. Huntley's appointment?

A You're talking about the UFT in the school?

Q The UFT. The UFT in the school.

A No. They were not opposed to Mr. Huntley.

Q How many -- would it be fair to say that as far as you know there was only one lesson regarding the gang members?

A Gang members, yes.

Q Excuse me?

A Yes.

Q When would that be?

A The date?

Q Yes.

A I don't recall. October or November, I think, of '73. '72-'73 school year.

Q Was the confrontation outside the school regarding -- with the gang members, was that before or after

that lesson?

A Well, it was at some time after the lesson.

Q It was some time afterwards?

A Yes.

Q One month or two months?

A I don't recall. I think it was a couple of weeks after.

Q And you attribute, Mr. Brodsky, that one lesson with gang members to that confrontation which occurred one or two months afterwards?

A No, I do not.

MS. ROTHMAN: He said two weeks.

THE WITNESS: I said one or two weeks. But I do not attribute that lesson to that confrontation.

Q I just thought there was a connection which was being made.

A Oh. There wasn't by me.

Q There are gang members who belong in that school; is that correct?

A There were gang members that belonged to that school.

Q There were gang members at that time who belonged to that school?

A That's correct.

Q Whose responsibility -- when a class is in session, a student cannot be in the hall or should not be in the hall unless he receives a pass from a teacher; is that correct?

A Yes, it is.

Q So would it be fair to say that if there are students in the hall during class hours, that some teachers let their guard down?

A Possibly.

Q Would it be possible, Mr. Brodsky, that if teachers wanted to create, let's say, a disruptive atmosphere in the school, that many of them could let their guards down enabling students to be out in the hall during school hours? Is that a possibility?

A Is it a possibility?

Q Yes. Is it a possibility?

A It might be a possibility.

Q Before Mr. Huntley came, there were fires at the school at I.S. 33; is that not a fact?

A Yes, it is.

Q And, in fact, isn't it true that many of the teachers felt that the school before Mr. Huntley came was having a lot of problems?

A Some felt that way.

Q At that time, did you -- had you ever written or communicated or called down a member of the Board regarding some of those problems?

A No, I didn't talk to them about the problems then or the -- the same problems. No, I didn't talk to them.

Q You did not. Mr. Brodsky, did you ever call the press about any problems that I.S. 33 had?

A No, I never called the press.

Q Do you know any of the teachers who may have done that?

A No, I do not.

Q Were you involved at all with problems as a union delegate at I.S. 49?

A As a union delegate, no.

Q Excuse me. You are a chapter -- what is your title?

A Chapter Chairman.

Q Chapter Chairman. Would you have any jurisdiction over I.S. 49?

A No.

Q None whatsoever?

A None whatsoever.

Q Did you ever see a fire which you did not report?

A I remember three of us put one out one day. I don't recall if it was reported or not.

Q Was it your duty to report it?

A Conditions were such at the time that there were -- there were a lot of things which may not have been done at the end. It was constant confusion in I.S. 33 leading up to the next few months in '73.

Q And because of this confusion you said you did not report that fire?

A No. I think I -- what I said was I don't know if I ever reported that fire.

Q Is it part of your duties as a teacher to report these fires?

A I would say so, yes.

Q Now, is there any other fire that you know of which somebody did not report?

A No.

Q Now, do you know whether or not the number of fires which were reported decreased substantially from the end of '72 to '73 -- excuse me -- and the spring of '72?

A From the spring of '72 to when?

Q Well, from -- let me strike that question.

Do you know whether or not there was a substantial decrease in the number of fires from the school year '71-

'72 to the school year '72-'73?

A There was a decrease in '72-'73, you're saying?

Q Yes.

A No, I do not.

Q You do not know that?

A No.

Q Do you know whether or not the measures Mr. Huntley took to try to prevent these fires was successful or not?

A I think they led to other problems.

Q Excuse me?

A I think they led to other problems.

MR. HOFFMAN: Will you mark this for identification?

THE CLERK: Plaintiff's Exhibit 36 marked for identification.

MS. ROTHMAN: If this is attempted to be introduced into evidence I totally object to it.

THE COURT: Is there anything further?

MR. HOFFMAN: Two more questions. Maybe four.

Q Have you ever seen that document before?

A I saw it in my letter box.

Q You don't know what that item on the agenda, "Huntley is back in town" refers to?

A Could be referring to the court case; I don't know.

MR. HOFFMAN: I would like to introduce this into evidence.

MS. ROTHMAN: I object. I don't know who CIC is. I object to that document. That's just some handwritten document.

THE COURT: Denied.

MS. ROTHMAN: Are you allowing it into evidence?

THE COURT: No.

Anything further?

MR. HOFFMAN: Yes.

Q As a teacher and as a member of the UFT, Mr. Brodsky, would you say that if -- if the teachers had not wanted to cooperate with the Principal, it would make it almost impossible for the Principal to effectively run a school?

A I don't know. I think it's easier for the Principal to make it difficult for teachers. I don't see how -- unless everyone stopped working, I don't see how people would do that.

MR. HOFFMAN: I have no further questions.

MS. ROTHMAN: I just have one question or two questions.

REDIRECT EXAMINATION

BY MS. ROTHMAN:

Q How many teachers in the school approximately belong to the UFT?

A Practically all.

Q Practically all?

A Over 95 per cent.

Q Okay. One last question. Did you ever notice teachers intentionally letting their guards down, as Mr. Hoffman termed it?

A No.

MS. ROTHMAN: I have no further questions.

THE COURT: Thank you very much.

(Witness excused.)

MS. ROTHMAN: Mr. Matacotta.

G E R A L D M A T A C O T T A , called as a witness, having been first duly sworn, took the stand and testified as follows:

DIRECT EXAMINATION

BY MS. ROTHMAN:

Q Do you know --

THE COURT: Excuse me. What is he going to testify to?

MS. ROTHMAN: It's going to be quite repetitive.

THE COURT: I don't want it.

MS. ROTHMAN: Okay.

THE COURT: Thank you, sir. That will be all. It is not that we don't think you will be a good witness. We don't want to repeat a lot of things.

(Witness excused.)

THE COURT: Next witness.

MS. ROTHMAN: I have no further witnesses.

THE COURT: All right, the defense rests. Plaintiff.

MR. HOFFMAN: Mrs. Straker.

THE COURT: All right, get her in here. He was what? A teacher?

MS. ROTHMAN: Yes.

MR. HOFFMAN: She is not in the witness room. I assume she stepped out.

THE COURT: Do you have another witness? Bring in your witnesses or the case is going to be closed.

MR. HOFFMAN: She went to the ladies' room.

THE COURT: I will give you five minutes. I want the witnesses here or the case will be closed. If you have a witness beyond that, let's have that one. All right, we'll take a five-minute recess.

Look for the witness. But let's get them here so we don't have a lot of wasted time.

(Recess taken.)

D O R O T H Y S T R A K E R , called as a witness, being duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q Mrs. Straker, you are being called as a court witness. The Court so ruled earlier today. And you are neither a witness for the plaintiff or the defendant in this case.

A Right.

Q What is your present position, Mr. Straker?

A I am an Assistant Principal at I.S. 33.

Q How long have you been an Assistant Principal at I.S. 33?

A I have been an Acting -- I was an Acting Assistant Principal as of 1965. I became licensed in -- on February 1, 1967, and from that time forward.

Q How long have you been employed by the New York City Board of Education?

A My first employment by the Board of Education was September, 1952.

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Q Have you been employed since?

A Since that time, yes.

Q Either as a teacher or Assistant Principal?

A That's correct. As a teacher until '65, and thereafter as an Assistant Principal.

Q Are you now working at the main building of I.S. 33?

A That's correct.

Q And the Annex has been closed?

A Correct, yes.

Q Did you have occasion to work at the Annex of I.S. 33?

A Yes.

Q When did you begin working at the Annex?

A When the Annex was opened in September, 1968, I was placed in charge of the Annex.

Q And were you working until what time in the Annex?

A Until last June. June of 1974.

Q And during approximately 1970 and '73 was your immediate supervisor Claude Huntley?

A That's correct.

Q He was the Principal of I.S. 33?

A That's right.

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Q During that time were educational programs which you may have instituted at the Annex -- would that have been done with the cooperation and in conjunction with your Principal?

A Of course. An Assistant Principal is always under the supervision of the Principal of the school. And any program that you implement is normally discussed with him and/or may be suggested by him and has to have his approval.

Q How would you say Mr. Huntley was as an administrator in regard to his being cooperative, accessible, receptive to new programs, and so forth?

A All of the adjectives you have just used would apply to our relationship. He was always very cooperative with me in anything that we either planned jointly or that I wanted to implement at the Annex.

Q Would Mr. Huntley come to the Annex on a regular basis?

A I believe he did. To the best of my ability, I would say he did, especially in the first years that he was at -- that he was Principal. I believe at that time he came at least once a week. And it was only after that there were a great many difficulties taking place at the main building that I think his visits were not as frequent.

Q What programs did you help institute or enact

-- or enact in conjunction with Mr. Huntley's cooperation, approval, and so forth.

A At the Annex building?

Q At the Annex building.

A There were many programs that I think enhanced the education of the children at the Annex building. Among these were -- first we revised all of our curriculum. And this was done with the cooperation of the teachers. So all curriculum areas were reviewed and revised. This was started before Mr. Huntley came, but it was continued during his principalship. Books were made to be more relevant and updated.

MS. ROTHMAN: I would like to make an objection and note for the record at this point that the defense has not stated anywhere in the defense that there was any problem with the education at the Annex. The whole focus has been education at the main building.

THE COURT: I will permit this. He was responsible for the Annex.

Q Fine. Continue.

A Do you want me to continue? All right.

Now, there were many, many other thingswe did. Each of the years that Mr. Huntley was Principal we had with his permission a school-wide fair at the Annex building. This fair would be a culmination of work done in every subject area.

Subscriptions to the New York Times by every class. It was read by the children. We had people come down and demonstrate for the teachers how it could be used. And we used the Times to keep us aware of the presidential -- preparation for the presidential election. And we had a straw poll and so on.

Now, the things thatdo lend to a broadening of the education of the children --

Q Now -- I am sorry.

A I am finished at this point.

(continued next page)

Q Were buses used to annex -- Strike that.

Were buses used to transport students to the annex?

A Yes, they were. All of the children in the annex building were bused to school, with the exception of a few children who rode the subway because they were more than a mile from the main building. The buses used to meet at the main building, pick the children up at the main building. Those who lived more than a mile away from the main building were given free transportation passes.

Q Would you know whether other schools had an annex at that time?

A In our District, you are speaking of?

Q Yes.

A To my knowledge, none.

Q Now, do you know whether or not a number of teacher aids had to be used to -- Was it to drive the buses, or to be on the buses?

A In 1968, when we -- when the annex opened, we bused the children, and we had no school aids on the buses. There was a subsequent problem of insuring the safety of the children. And a meeting was called at the main building to inform the parents of the poor behavior of the children on the buses. At that time, at least eight parents -- to the best of

my recollection, it was about eight, who volunteered to ride the buses without remuneration. As a result of it, an exchange of letters between myself and the District, the New York State -- an agency of the State became aware of our problem and funded the program so that then there were eight buses and eight bus aids.

Now, during the school day, those school -- those bus aids whose job it was to seat the children and ride with them, insuring their behavior on the buses, during the day they worked in the school building.

Q At the annex?

A That's right. At the annex building.

Q And -- And how many times, do you remember, did Mr. Rogers come to observe the performance in the annex?

A I could not recollect how many times he came. Rather infrequently, but he came.

Q Were you at the meeting when Mr. Huntley was eventually terminated?

A Yes. May I go back to your previous question? He also sent in other members of his staff. For example, there was a Science Coordinator that was at our school with some regularity. A Math Coordinator. These are District personnel. And they used to come in.

Q And were you at the meeting -- Going back to my

other question -- Were you at the meeting where Mr. Huntley was eventually terminated?

A Yes. The meeting where he was voted?

Q That's correct.

A Yes. Where the School Board took the vote to remove him. Yes, I was present at the final meeting. Yes.

Q Would you describe that meeting?

A Well, I was told earlier in the day -- I received a message from the District Office to close the school building. I believe we closed at about 1:00 o'clock. Now, that's to the best of my memory. I can't say it was specifically 1:00 o'clock. But we did close early that day. And subsequently, several people whom I recognized to be District personnel came to the annex building, and they prepared the building for the meeting.

I was not -- They did not confer with me. So that I had nothing to do with their preparation. But they -- They were at the door. And, you know, as people arrived, they directed them to the auditorium, which was located on the fourth floor. I don't recall the exact hour of the -- when the meeting began. It may have been 3:30. I am not certain. But at that hour -- Prior to that hour, there were people who came. Since it was a public meeting, there were people who came from all over the District. And the parents eventually arrived just prior to the meeting, having had to take -- having had to rent

buses to come over, since the meeting was held at the annex, which was either two and a half or three miles, something like that, from the main building. So the parents arrived, and the Local School members arrived. And then the meeting was held.

There was quite a bit so discussion, and there were some arguments that ensued. And during the melee that was taking place, so to speak, the vote was held.

Q Would you like to give an opinion -- Would you like to give an opinion as to the way Mr. Huntley was treated at that meeting?

MS. ROTHMAN: I object. This should have been presented at the main case. I don't think this is proper rebuttal.

THE COURT: I will permit it.

Be brief, and just descriptive, if you wish. Just describe what happened, without characterizing.

THE WITNESS: Well, I would not want to characterize it. But suffice it to say that all of the professionals from the District, a great many -- I would not say all, but a great many of the professionals from the District were present. And I would say it was -- it must have been embarrassing to him.

MR. HOFFMAN: I have no further questions.

(continued on next page.)

MP fls

CROSS-EXAMINATION

BY MS. ROTHMAN:

MS. ROTHMAN: I have a few questions.

Q You said that at the beginning Mr. Huntley came to the Annex frequently but towards the end he didn't come as frequently. By the end, do you mean the last year?

A That's right.

Q Could you say approximately how often he came during the last year?

A I really could not.

Q Once a --

A I couldn't say. Sometimes it was more often than others. I guess it had to do with how involved he was at the main building.

However, I would like to say that whatever was being implemented at the Annex building, I spoke with him almost daily I would say that, by telephone, so that he was aware of what was going on. Or whatever material that was issued from the Annex building bore his approval, which means I had to secure his approval.

Q I understand Mr. Huntley was technically responsible for the Annex, and he had to approve all the ongoing programs. Who actually organized the programs or implemented the programs at the Annex?

A First, you have to realize that legally speaking, the Principal is always in charge of a building. If I falter or I did something --

MS. ROTHMAN: That is not my question.

A You have to let me explain.

If I did something at the Annex building, it was not I who was answerable for it but my immediate supervisor who was the Principal. I was answerable to him.

Another factor that I believe you must consider is the fact that the Annex was already organized when Mr. Huntley became Principal so that there are normal practices already in operation when he became the principal.

Q My question is, the day-to-day operation of the Annex, who actually implemented or organized the programs, the day-to-day ongoing programs?

A The school was not organized every day. If we are going to implement a special program --

Q You said there were a lot of new programs.

A It was not implemented on a day-to-day basis.

THE COURT: That is enough. Move to your next line of questioning.

Q Did Mr. Huntley innovate any new programs in the Annex?

A I think that whatever I implemented during the

years I was there he was a part of it. I would not exclude him.

Q Were you very familiar with the situation at the main building?

A I was not asked anything concerning the main building because I was not present. I was not employed day by day in that building.

It would be unfair for me to evaluate what took place at the main building.

MS. ROTHMAN: I have no further questions.

THE COURT: Thank you very much. Next witness.

MS. ROTHMAN: May I call a rebuttal witness?

THE COURT: If the witness is here.

Swear the witness.

B U E N A V E N T U R A G I B B S , a witness called herein, was sworn by the Clerk of the Court and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q For the record, Mr. Gibbs, you are being called as a Court witness and not a witness for either Plaintiff or the Defendant.

Mr. Gibbs, what is your present employment?

A I am employed as Assistant Principal in District 14,

Junior High School 33.

Q How long have you been employed as an Assistant Principal at Junior High School 33?

A I have completed four years. I am in my fifth year now.

Q How long have you been employed by the New York City Board of Education?

A I believe thirteen years totally.

Q Mr. Gibbs, did you have occasion to work while Mr. Huntley was the Principal in that school?

A Restate the question.

Q Did you work as Assistant Principal while Mr. Huntley was the Principal in the school?

A Yes.

Q Would that be from 1970 to approximately 1973?

A Yes.

Q During those three years, could you generally and briefly describe the educational programs which were being instituted in the school?

MS. ROTHMAN: I object. This should have been done on the main case. I don't think this is proper rebuttal.

MR. HOFFMAN: Your Honor, a statement was made by --

THE COURT: I will permit it. Be brief.

Q As general as possible, and as brief as possible, Mr. Gibbs, what kind of educational programs within that school?

A I know we had a reading program, I think it is the Sullivan program, and a program in math. And I believe under Mr. Huntley's administration we also had for the first time to my knowledge an SP class was brought into the school. Other than that, we had just about every other program that other schools had in the district.

Q Do you know whether or not Mr. Huntley instituted cultural programs?

A I think we had an Afro-American program where kids were tutored by a professional group in Manhattan. I don't recall the name of the group. I know they came to the school and the kids were taught television, operating a television, how to speak in front of a camera and things like that.

Q Could you describe during those three years what the general rapport and attitude was of the teachers in that school?

A Well, I feel the staff was split. Some were in favor of Mr. Huntley's appointment and some against.

I can't tell you to what percentage, but I got the feeling there was a group that was not in favor.

Q When did this start?

A I can't tell you in time. I got that feeling during Mr.Huntley's administration. I can't tell you exactly when it began, but I do know there existed some kind of a split of the staff.

Q Do you know whether or not there were groups of teachers who were opposed to Mr. Huntley's appointment after he was appointed?

A I don't know if you can -- if you ask me if there were cliques, I don't know, there were groups of teachers, and I don't know whether it started immediately after or during, who voiced their opinion in the cafeteria or any place, that they weren't in favor of the appointment.

Q As regards to the students in the school, how would you describe their acceptance or attitude towards Mr. Huntley?

A Well, I didn't make an official survey to find out exactly, but from time to time as you walk the halls and you have interaction with discipline kids or academically, you would hear them comment that it's good to see, and I am going to use their words here, a black person in a key position. It's good to hear kids, you know, be aware there is a change of some kind in the school system. It gives them something to identify with, I feel.

Q Did you notice any reaction or any feeling the students had when he was terminated?

A There was, I guess there was, unrest on the part of the staff or the student body, and they were a little upset.

I don't think they quite understood what was happening. The fact they heard he wasn't going to be around seemed to affect them -- I don't know to what extent.

Q Mr. Gibbs, we have logs which show that there were approximately thirty-one fires at the end of '72 and there were about seven, I believe, close to the period of time in the spring of '73.

Do you know whether or not Mr. Huntley took any action when these fires cropped up to stop these fires?

A Well, I think we tried, you know. We had faculty conferences and discussed the situation in the school. We tried a few things. I guess it didn't work -- whatever we tried didn't work.

Q How would you say Mr. Huntley was as far as being receptive to teachers and to people working under him?

A Well, I can't talk for the staff. I can say he always had been very receptive to me. I heard other teachers comment that he was receptive.

Q He did hold faculty conferences?

A Yes, he did.

Q Did he listen to criticisms which perhaps some teachers had? Was that included in those faculty conferences?

A Yes, I guess every faculty conference I had attended teachers were given a chance to ask questions and to either object or to accept what Mr. Huntley was discussing or putting forth.

Q Do you feel that the school was unsafe for teachers?

A I personally don't think so.

Q The school was situated in a relatively tough neighborhood; isn't that fair to say?

A Yes.

Q Finally, there was some testimony as to students roaming in the halls, being in the halls when they shouldn't be there.

Would you say that that problem can be attributed to teachers who did not -- who were not watchful of the students in their classes?

A Not solely, but it can be a situation where the kids are in the hall because the teachers are not as demanding as they should be, but I wouldn't say it is solely because of that.

Q My last question is, do you have any opinion as to whether or not any teachers may have intentionally --

MS. ROTHMAN: I object.

THE COURT: Well, rephrase it. Don't ask about opinions. Ask about his knowledge.

Q Do you know whether or not any teachers may have intentionally allowed or knew of students being out in the hall without permission?

A I guess the key word is intentionally. No, I can't say.

MR. HOFFMAN: I have no further questions.

CROSS-EXAMINATION

BY MS. ROTHMAN:

Q In response to the question about the fires, you stated, I think, that you met with Mr. Huntley and you tried but it didn't work.

What do you mean it didn't work?

A Well, one attempt that I remember, we tried to use students to cover certain areas where we felt the fires were taking place and the fire alarm boxes were, and when we tried that some teachers objected because they felt we were taking the kids out of the class and they weren't getting the education they were supposed to be getting.

Where do you go from there? That was one thing

I can remember. But we did all kinds of things in terms of trying to cut down on the number of fires.

Q But it didn't work? You made that statement?

A I don't think they were very effective. But I will say this, if the situation was as dangerous as some people claim it was, then I don't see why the fire marshals didn't do something about it.

Q You mean the fire marshals, the students?

A No, the --

Q The Fire Department?

A Yes.

Q There was testimony here that there are a lot of fires and the students were in the halls and there were chaotic conditions under Mr. Huntley. To your knowledge, was Mr. Huntley at all responsible for this?

A No one man could be responsible for the success or the failure of any school. To run a school you need key people, administrators and teachers. You can't do it alone, no matter who you are. At any time there is a breakdown caused by -- well, I won't go into what, it makes it difficult. I will almost say impossible.

Q If there was a breakdown as you say, does the ultimate responsibility fall on the Principal?

Is he ultimately responsible for the running of

the school?

A He sure is.

Q You know the present Principal is Mr. Pretty?

A Yes.

Q You testified there were groups in the school against Mr. Huntley. Are there groups against Mr. Pretty?

A Mr. Pretty is not on trial.

Q Mr. Pretty testified here and --

A I would rather not comment on that.

Q Do you feel that the situation is at all improved now that there is a new Principal?

A You are asking me to compare.

MS. ROTHMAN: I think this is permissible, your Honor.

THE COURT: Answer the question.

A What is the question?

Q Do you feel the situation is at all improved now that there is a new Principal?

MR. HOFFMAN: I think the man is placed on the spot here.

MS. ROTHMAN: I think all witnesses are placed on the spot when they are testifying.

MR. HOFFMAN: He is working there and I don't think --

THE COURT: Do you find it uncomfortable to answer?

THE WITNESS: Yes.

THE COURT: Do not answer.

Q You find there is any change in the general situation in I.S. 33 from the time Mr. Huntley was Principal and to the present?

A I don't understand the question.

THE COURT: That will be enough. Thank you very much, sir.

Any further witnesses on rebuttal?

MR. MEYERSON: Could we have a conference for five seconds?

THE COURT: Five minutes?

MR. MEYERSON: Five seconds.

THE COURT: All right.

MR. HOFFMAN: May we have five minutes? What is left is about ten questions at most..

THE COURT: For who?

MR. HOFFMAN: For ourselves.

THE COURT: All right, consult with your client.

MS. ROTHMAN: I have a rebuttal witness.

THE COURT: Who?

MS. ROTHMAN: Mr. Felminster.

THE COURT: What is he going to say?

MS. ROTHMAN: He is going to rebut some things Miss Straker said.

THE COURT: All right, but make it brief.

(Recess taken.)

(continued next page)

(After recess.)

THE COURT: Does the defendant have any further witnesses?

MR. MEYERSON: We do not. We rest.

MS. ROTHMAN: I have one more rebuttal witness, Mr. Feldmesser.

THE COURT: Call the witness.

D A V I D F E L D M E S S E R , called as a witness, having been first duly sworn, testified as follows:

THE CLERK: State your full name.

THE WITNESS: David Feldmesser, F-e-l-d-m-e-s-s-e-r.

DIRECT EXAMINATION

BY MS. ROTHMAN:

Q Mr. Feldmesser, what is your position in District 14?

A I am Assistant Principal at I.S. 33.

Q Were you an Assistant Principal at the Annex at the time Mr. Huntley was Principal?

A Yes.

Q How long were you Assistant Principal at the Annex? During what years?

A From 1969 to 1973.

Q Who actually administered the day-to-day operations at the Annex?

MR. MEYERSON: I object to the question. I think we had the chief administrator, Mrs. Straker here--

MS. ROTHMAN: Well, he was Assistant Principal.

MR. MEYERSON: I think she knows best. The question was asked of Mrs. Straker.

THE COURT: I will permit it.

Q Who actually administered the day-to-day operations in the Annex?

A The day-to-day operations of the Annex was administered by Mrs. Straker as testified. I assisted her in the administration of the building.

Q Who implemented the programs at the Annex, the programs that might have been organized with the approval of Mr. Huntley? Did he actually come in and implement these programs?

A Well, the actual implementation of the programs was done by both Mrs. Straker and with my assistance.

Q Would you say that the Annex was a successful school?

A I would say the Annex was successful, yes.

Q More successful than the main building?

A I can't comment about the main building --

MR. MEYERSON: I object. I do not understand any basis where he could evaluate what the success of

the main building was --

MS. ROTHMAN: I withdraw that question. Okay.

Q Do you know if Mr. Huntley came to visit the Annex frequently?

A Mr. Huntley did visit the Annex. I can't say with frequency. I would say it was at the rate of frequency -- it was infrequent, really, in terms of the actual visitation at the Annex. But as Mrs. Straker stated, she was in contact with him almost daily as far as I know.

Q Is it possible that even though Mr. Huntley was technically responsible for the Annex the actual success of the Annex is due to Mrs. Straker --

MR. MEYERSON: I object to that question.

THE COURT: Objectionable as to form.

Q Who would you say was responsible for the success of the Annex?

A I would say the total staff is responsible for the success of the Annex, meaning Mrs. Straker, myself, and the teachers involved.

Q Would you attribute much of the success of the Annex to Mr. Huntley?

A The ultimate success of any building rests with the Principal.

MS. ROTHMAN: I have no further questions.

MR. HOFFMAN: One question.

CROSS-EXAMINATION

BY MR. HOFFMAN:

Q Did Mr. Huntley participate in the organization of programs?

A Yes, as Mrs. Straker stated.

MR. HOFFMAN: I have no further questions.

THE COURT: Thank you very much.

Any further witnesses?

MS. ROTHMAN: No.

THE COURT: Do you rest?

MS. ROTHMAN: Yes.

MR. MEYERSON: We have several exhibits here that were marked for identification that we would like to have submitted into evidence.

MS. ROTHMAN: I would like to see them.

THE COURT: On my list 4 has not been admitted. Do you want to offer that?

MR. MEYERSON: No.

THE COURT: 10 and 11 have been exhibits. Do you want to offer them?

MR. MEYERSON: 10 and 11?

THE COURT: Yes.

MR. MEYERSON: Yes.

THE COURT: Any objection?

MS. ROTHMAN: I object to 11 on relevancy. No. 10 is okay.

THE COURT: 10 is admitted. Let me see 11.

THE CLERK: Plaintiff's Exhibit 10 for identification marked in evidence.

(Document referred to was received and marked Plaintiff's Exhibit 10 in evidence.)

THE COURT: 11 is not admitted. Sustained on the ground of relevancy.

15 has not been admitted.

Do you want that? Any objection?

MS. ROTHMAN: No.

THE COURT: Admitted.

THE CLERK: Plaintiff's Exhibit 15 marked in evidence.

(Document referred to was received and marked Plaintiff's Exhibit 15 in evidence.)

THE COURT: 19 has not been admitted.

MS. ROTHMAN: What is 19?

THE COURT: Letter to the Chancellor from Pratt.

MS. ROTHMAN: Maybe we can come back to that.

THE COURT: Well, do you have it or don't you?

Now 20, 21, 22, 23 have not been admitted, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33.

MS. ROTHMAN: I don't have a list of those.

THE COURT: Are not admitted. And 36 is not admitted --

MS. ROTHMAN: Where are they?

THE COURT: 20 to 33, do you want them admitted?

MS. ROTHMAN: I would like to see them. I think 20 is irrelevant.

THE COURT: All right, 20 is objected to on the ground of relevancy. Let me see it.

MR. MEYERSON: Many of these exhibits are related to defendant's exhibits that were put in without objection.

MS. ROTHMAN: I do not see how that is related at all.

MR. MEYERSON: In order to avoid any kind of hassle, so to speak.

THE COURT: 20 is too remote. Objection sustained.

Now what about 21?

MS. ROTHMAN: I also object to 21.

THE COURT: On what ground?

MS. ROTHMAN: It is irrelevant.

THE COURT: Let me see it.

21 is admitted.

THE CLERK: 21 in evidence.

(Document referred to was received and marked Plaintiff's Exhibit 21 in evidence.)

MS. ROTHMAN: 22 I accept.

THE COURT: Admit it.

THE CLERK: 22 in evidence.

(Document referred to was received and marked Plaintiff's Exhibit 22 in evidence.)

THE COURT: 23?

MS. ROTHMAN: I object to 23 on the grounds it is a letter addressed to Mr. Pretty who is here in court. I think it should have been explained. I spoke to him about that letter. I do not think it is self-explanatory. I think it should have been brought to his attention when he testified.

MR. MEYERSON: If he testified in court it certainly should be relevant.

MS. ROTHMAN: You should have asked him about the letter if you wanted to.

MR. HOFFMAN: It was marked for identification.

MS. ROTHMAN: Well, it was your thing.

THE COURT: Too remote. And the parties to the letter should have been asked about it when they were

here.

24?

MS. ROTHMAN: I object to 24 on the same ground, not on remoteness, but they should have been asked about it.

THE COURT: Objection sustained. Too remote.

MS. ROTHMAN: 25 I object to on the grounds that the grievance -- the findings of the grievance were held inadmissible, and this relates to the grievance of these people -- that these findings were held inadmissible I just feel it is inadmissible. It's a grievance brought before the Chancellor and the grievance was held inadmissible.

THE COURT: Objection sustained for the reasons given.

MS. ROTHMAN: 26 is okay with me.

THE COURT: Admitted.

THE CLERK: 26 in evidence.

(Document referred to was received and marked Plaintiff's Exhibit 26 in evidence.)

MS. ROTHMAN: I object to 19 on the grounds it was also -- a grievance before the Chancellor and the findings of the grievance were held inadmissible. That relates to the grievance before the Chancellor. The same story again. This is a letter sent in that

regard. It has to do with the Chancellor and the grievance.

THE COURT: Sustained for the reasons given.

MS. ROTHMAN: I objectto 27 on the grounds of relevancy and also on the ground that the witness was here and could have been questioned about it.

THE COURT: Sustained. Too remote.

MS. ROTHMAN: 28, I don't know who it was written to. I don't know what this letter is about.

THE COURT: Do you object?

MS. ROTHMAN: I object on the grounds I don't know even who it is written to. Who is Mr. Lang?

THE COURT: Sustained. Improper authentication.

MS. ROTHMAN: I object to 29 on the grounds that it is -- of relevancy and also on the grounds it is indirectly involving the grievance brought by Mrs. Pratt who also brought the grievance before the Chancellor and it involves matters referred to in the letter.

THE COURT: Sustained.

MS. ROTHMAN: I object to 30 on the grounds that Mr. Brande was in court. He should have been questioned on this.

THE COURT: Sustained. Irrelevant.

MS. ROTHMAN: And 31, the same grounds, both

parties are in court.

THE COURT: Sustained. Irrelevant.

MS. ROTHMAN: 32, the same grounds.

THE COURT: Sustained. Same ground.

33?

MS. ROTHMAN: Which is 33?

THE COURT: A list of personnel at thevarious intermediate schools.

MS. ROTHMAN: I don't even see it.

THE COURT: Do you have it?

According to my records Defendant's Exhibits E and F are for identification only.

MS. ROTHMAN: Yes. Those you stated can't be admitted so I guess we should forget about those. One was a report ofthe hearing officer, the Chancellor, and the other was a report of the Board of Education sustaining that report. So I guess they are inadmissible. Were all the others admitted?

THE COURT: Yes.

MS. ROTHMAN: You also have a list -- wait a minute -- BB, CC, DD, EE.

THE COURT: Yes.

MS. ROTHMAN: Those are all admitted.

THE COURT: Yes, BB, CC, EE, FF and GG are all admitted.

MS. ROTHMAN: Okay.

THE COURT: All defendants' exhibits are in except Exhibits E and F. Give the Clerk, if you will BB, CC, DD, EE, FF and GG.

MS. ROTHMAN: Didn't I just submit that?

THE CLERK: I don't have EE.

MS. ROTHMAN: That's the letter of May 30th.

THE COURT: Notice of removal --

MS. ROTHMAN: I don't see it here.

THE COURT: All right, counsel will take care of this.

Now, is there any other evidence except that which I have heard?

(There was no response.)

Not hearing any statement from counsel the case is closed.

Any motions from the defendant?

MS. ROTHMAN: No.

THE COURT: Yes. You move to dismiss.

MS. ROTHMAN: Yes, I reiterate my motion to dismiss.

THE COURT: Motion is denied.

Any motions by the plaintiff?

MR. MEYERSON: No motions, your Honor.

THE COURT: All right, I will work on the case

over the weekend and holiday. As soon as my opinion can be typed up it will be filed. It should be some time the middle of next week.

Anything further?

MR. HOFFMAN: Essentially, what we feel this case is all about is in the light of cases such as Chance, and in the light of the past history of not having black administrators in the school system, whether or not at the minimum some objective criteria is required to terminate a principal at minimum, or at maximum, and that is our position, whether or not a hearing is required. And essentially that is our position.

THE COURT: All right.

MS. ROTHMAN: I would just like to say one thing. You ruled already that the motion for summary judgment -- that no hearing is required in this case. It is in the pretrial order.

THE COURT: Well, subject to your showing in the trial itself that there was such a moral stigma as a result of the firing that a hearing would be required under the applicable cases.

(continued next page)

MR. MEYERSON: I think since that time we have in fact evolved a new reason for the hearing, and generally tenure vests the property interest. I think, as we pointed out in our brief, that in view of Chance which acknowledges the exclusion of a black individual from administrative positions, that tenure as a basis for vesting property interest, and therefore, i.e., due process, is in fact discriminatory to black individuals because historically having been discriminated against and not having tenure at this point their property interest does not vest and therefore that is an argument at law --

THE COURT: There is no proof at all of that. The proof is that the plaintiff is a distinguished educator who has had extensive graduate courses, extensive experience, comes from a middle-class background, at least as of this moment, lives in a middle-class community. There is no proof whatsoever that he couldn't have obtained tenure and have been certified as a principal.

MR. MEYERSON: Well, I think that --

THE COURT: The record is completely devoid of any evidence to the contrary.

MR. MEYERSON: Well, I think it's a legal argument. The argument is that black individuals have

been historically discriminated against --

THE COURT: There is no evidence in the record --

MR. MEYERSON: Chance says that.

THE COURT: As it now stands, that this plaintiff, except for his color, is any different from any other distinguished educator in the New York City school system. He has exactly the same paper record as others. I have observed him. He acts like all other supervising personnel. He speaks the same way. He dresses the same way. He generally thinks the same way. The only difference is the color. And that argument you are making has no application to a middle-class black.

MR. MEYERSON: Well, I do not think --

THE COURT: He, so far as the record is concerned, has the same qualifications and advantages as any other middle-class person.

MR. MEYERSON: Your Honor, but Chance does not talk about middle-class --

MS. ROTHMAN: But it is not Chance here --

THE COURT: Don't interrupt counsel.

MS. ROTHMAN: I am sorry. I am very sorry, your Honor.

MR. MEYERSON: And Chance does not talk about

middle class blacks or poor blacks. It talks about blacks. And it is a fact that this case has to operate in the context of Chance.

THE COURT: I will decide the case in the context of the law. But there is no indication that this plaintiff couldn't have acquired tenure the same way as anybody else.

MR. MEYERSON: I understand that. But if you view Chance historically --

THE COURT: There is no indication at all of his failure to obtain certification was due to his race in this case.

MR. MEYERSON: Well, I think that Chance indicates that black individuals as a class of persons have --

THE COURT: I am concerned with this plaintiff. There is no proof whatsoever that this plaintiff did not have the full educational background and other background to be certified to this job.

MR. MEYERSON: I understand that, just like for instance a southern situation where a black teacher is dismissed in the historical context of how that system operates there, it is acknowledged judicially by the court in coming to some legal conclusions as to what that person is or is not entitled to, and now all we are

saying here is that, arguing legally, Chance, and our position in order to preserve the integrity of Chance generally speaking as applied in this case, that you have to consider that, and it is acknowledged by the Second Circuit that black individuals have been disproportionately foreclosed from positions -- administrative positions.

THE COURT: That is so as a general matter.

MR. MEYERSON: Correct.

THE COURT: But it is not so as to this particular plaintiff who has an individual and not a class action claim.

MR. MEYERSON: I understand that.

THE COURT: The issues as I now see them, the legal issues and factual issues, are twofold: one, wasthe nature of the discharge and the surrounding circumstances such as to suggest some moral or other defect independent of professional qualifications to do the job?

(continued next page)

THE COURT: (Continuing) If you have met the burden on that point, then, as I understand the law, the plaintiff is entitled to a hearing, which it did not get.

Second: Was he discharged because of his race?

To put it another way, would a white person have been discharged, given the same circumstances?

And you must satisfy the burden of proof on that issue.

Those are the two issues in fact and in law, as I understand it.

MR. MEYERSON: Well, I think we are arguing the same thing.

THE COURT: And that is the way I am going to decide the case after I have thoroughly reviewed the record.

The case was well tried by both sides. The evidence was thoroughly presented by good witnesses. The documentation was as complete as is possible to get under these circumstances. The briefs on the law were good on both sides.

I feel counsel have done all that they could to help the Court.

I will now retire and make my decision. Thank you very much. Good night. Have a pleasant holiday.

* * *

IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

CIVIL NO. 73 Civ. 1775

CLAUDE L. HUNTLEY, JR.,

PLAINTIFF

-vs-

COMMUNITY SCHOOL BOARD DISTRICT #14
and WILLIAM A. ROGERS, in his capacity
as Community Superintendent of District
#14

DEFENDANTS

NOTICE OF MOTION FOR
SUMMARY JUDGMENT

TO: The Office of the Corporation Counsel
City of New York - Adrian P. Burke, Esq.
Municipal Building - 16th Floor
New York, New York 10007
ATTENTION: Elliot Hoffman, Esq.,
Assistant Corporation Counsel

NOTICE is hereby given, pursuant to Rule 56 of the Federal Rules of Civil Procedure, that the attached Motion for Summary Judgment will be brought on for hearing before the Honorable Jack B. Weinstein, United States District Judge for the Eastern District of New York, on the 1st day of March, 1974, at 10:00 o'clock in the forenoon, on the sixth floor at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York.

Respectfully submitted,

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Attorneys for Plaintiff

BY:_____

IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

CIVIL NO. 73 Civ. 1775

CLAUDE L. HUNTLEY, JR.,

PLAINTIFF

-vs-

COMMUNITY SCHOOL BOARD DISTRICT #14
and WILLIAM A. ROGERS, in his official
capacity as Community Superintendent
of District #14

DEFENDANTS

MOTION FOR
SUMMARY JUDGMENT

Plaintiff, CLAUDE L. HUNTLEY, JR., by and through his attorneys, moves this Honorable Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for Summary Judgment, and in support thereof states:

1. This is a proceeding for a declaratory judgment, declaring the Plaintiff's termination from his position as Principal of Intermediate School #33, without a fair hearing, unconstutional in violation of the due process clause of the Fifth Amendment to the United States Constitution and the due process and equal protection clauses of the Fourteenth Amendment to the United States Constitution; and for preliminary and permanent injunctive relief, restraining the Defendants from terminating the Plaintiff from his position as principal of Intermediate School #33 without first affording to him a fair hearing comporting with due process standards.

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 1331 and 1343 (3) and (4) in conjunction with 42 U.S.C. Section 1983, this being an action seeking redress for the violation and deprivation of the Plaintiff's constitutional and civil rights.

3. On June 5, 1973, the Defendant Community School Board of Brooklyn, New York Community School District #14 terminated the Plaintiff from his position as principal of Intermediate School #33 in said District.

4. Prior to said action, the Plaintiff never received formal notice of the charges made by the Defendant Community Superintendent of Brooklyn, New York School District #14, the charges having been preferred against the Plaintiff by the Defendant Superintendent, in writing, to the Defendant Community School Board on June 1, 1973. See: Attachment "A" to the Complaint herein.

5. Prior to his termination from his position as principal of Intermediate School #33 in Brooklyn, New York School District #14, the Plaintiff was not accorded a hearing whereat he was confronted by his accusers and presented with the objective evidence on which the charges were preferred by the Defendant Superintendent and the action taken against him by the Defendant Community School Board. Moreover, prior to his termination from his position as principal of Intermediate School #33 in Brooklyn, New York School District #14, the Plaintiff was not accorded a hearing whereat he could be represented by counsel, cross-examine his accuser and/or present evidence on his own behalf.

6. Subsequent to his termination, the Parent Association of Intermediate School #33 in Brooklyn, New York School District #14 initiated a grievance proceeding to overturn the Defendant Board's

decision and action to terminate the Plaintiff from his position as principal of said school.

7. The Parent Association grievances revolved around procedural irregularities in the process employed by the Defendant Board in making and implementing its decision of June 5, 1973 to terminate the Plaintiff, only insofar as those irregularities affected the rights of the Parent Association of Intermediate School #33. See: "Report to the Chancellor" attached to the Defendants' Answer herein.

8. The Plaintiff testified at the proceedings which were initiated by the Parent Association held by the New York City Board of Education and presided over by David Stein, a hearing officer designated by the Chancellor of the City School District of the City of New York.

9. On October 26, 1973, the Board of Education of the City School District of the City of New York upheld the Defendant Community Board's action and ruled against the Petitioner Parent Association's procedural and substantive claims.

10. There are no genuine issues of any material fact, relating to whether the Plaintiff was entitled to constitutional due process safeguards, as a matter of law, under the Fifth and Fourteenth Amendments to the United States Constitution, before he was terminated by the Defendant Community School Board from his position as principal of Intermediate School #33 in Brooklyn, New York School District #14.

11. There are no genuine issues of any material fact relating to whether the Plaintiff, if he was entitled to constitutional due process safeguards, as a matter of law, under the Fifth and Fourteenth Amendments to the United States Constituion, was accorded the same.

12. If summary judgment is not rendered in Plaintiff's favor, as a matter of law, on any of the issues above, it is respectfully requested that the Court, at the hearing on this motion, by examining the pleadings and the evidence before it and by interrogating counsel, ascertain what material facts are actually and in good faith controverted, and thereupon make an order specifying the facts that appears without substantial controversy and directing such further proceedings in this action as are just.

13. This Motion is based upon the Verified Complaint, heretofore filed with the Court, and the Affidavits and Plaintiff's Memorandum attached hereto.

Respectfully submitted,

THOMAS HOFFMAN
200 West 57th Street
Suite #605
New York, New York
(212) 581-1180

NATHANIEL R. JONES
JAMES I. MEYERSON
N.A.A.C.P. - 1790 Broadway
New York, New York 10019
(212) 245-2100

Attorneys for Plaintiff

BY:_____

IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

CIVIL NO. 73 Civ: 1775

CLAUDE L. HUNTLEY, JR.,

PLAINTIFF

-'s-

COMMUNITY SCHOOL BOARD DISTRICT #14 and WILLIAM A. ROGERS, in his capacity as Community Superintendent of District #14,

DEFENDANTS

A F F I D A V I T

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

CLAUDE L. HUNTLEY, JR., being first duly sworn, deposes and says:

1. I am the Plaintiff herein.

2. I am a Black American citizen of the United States and a resident of Roosevelt, Long Island, County of Nassau, State of New York.

3. In July, 1970, I was hired to fill the position of Principal of Intermediate School #33 (said School has a student body population which is approximately 99% minority) in Brooklyn, New York School District #14 (said School District has a student body population which is approximately 90% minority and 10% white).

3a. While I was hired as principal of Intermediate School #33 in Brooklyn, New York School District #14 and performed all of the duties attendant with the position of principal of said

school, I was denominated, initially, as an "acting principal." Subsequently, however, I was led to believe by the Defendants herein that my position designation was in effect that of "principal."

4. In my position as principal of Intermediate School District #14, I was the first Black person to hold such a position in Brooklyn, New York School District #14.

5. I performed my duties in my capacity as principal of Intermediate School #33 in Brooklyn, New York School District #14, effective the date of my appointment in July, 1970, until June 5, 1973 when I was summarily terminated from my position by the Defendant Community School Board of Brooklyn, New York School District #14.

6. On June 5, 1973, the Defendant Community School Board of Brooklyn, New York Community School District #14 terminated me from my position as principal of Intermediate School #33 in said District.

7. Prior to said action, I never received formal notice of the charges made by the Defendant Community Superintendent of Brooklyn, New York School District #14, against me, the charges having been preferred against me by the Defendant Superintendent, in writing, to the Defendant Community School Board on June 1, 1973. See: Attachment "A" to the Complaint herein.

8. Prior to the June 1, 1973 preferral of charges, the Defendant Community School Board of Brooklyn, New York School District #14 had voted in a closed executive session, held on May 24, 1973, to terminate me from my position as principal of Intermediate School #33 in said District.

9. On May 25, 1973, I filed a grievance with the Chancellor of the New York City Public School System alleging, among other things, that my termination was illegal, pursuant to the Education Law of the State of New York and the Rules and Regulations of the New York City Public School System, because the termination decision was made in a closed executive session of the Defendant Board rather than at a community-wide public meeting.

10. On May 30, 1973, the Chancellor of the New York City Public School System upheld my position, as set forth in paragraph nine (9) herein, and held that I had been terminated illegally on May 25, 1973 because the vote and attendant decision on my removal had been arrived at in a closed executive session of the Defendant Community Board rather than at a community-wide public meeting of the Defendant Board.

11. On June 1, 1973, Defendant Rogers, Community Superintendent for Brooklyn, New York School District #14, preferred charges against me, in writing, to the Defendant Community School Board, alleging, in sum, that I was an incompetent administrator and recommending that I be discharged from my position. See: Attachment "A" to Complaint herein.

12. On June 5, 1973, the Defendant Community School Board held a special community-wide public meeting, soley for the purpose of voting on my termination and taking action attendant thereto. The aforementioned letter, from the Defendant Superintendent to the Defendant Community Board, was made public at the June 5, 1973 special meeting and was denominated as the basis for the recommendation, by the Defendant Superintendent, that I be terminated.

13. On June 5, 1973, the Defendant Community School Board voted at a public meeting to terminate me from my position as principal of Intermediate School #33 in Brooklyn, New York School District #14.

14. I never received a copy of Defendant Rogers' June 1, 1973 letter to the Defendant Community Board, in which I was, in sum, alleged to be an incompetent administrator and which was made public at the June 5, 1973 community-wide meeting and was the basis for the Defendant Board's action against me.

15. I made numerous requests to the Defendants herein for a hearing to refute the charges of incompetency leveled against me in my capacity as principal of Intermediate School #33 in Brooklyn, New York School District #14; but I was always informed by the Defendants and their agents that I had no right to a hearing.

16. Prior to my termination from my position as principal of Intermediate School #33 in Brooklyn, New York School District #14, I was not accorded a hearing whereat I was confronted by my accusers and presented with the objective evidence on which the charges were preferred against me by the Defendant Superintendent and the action taken against me by the Defendant Community School Board.

17. Moreover, prior to my termination from my position as principal of Intermediate School #33 in Brooklyn, New York District #14, I was not accorded a hearing whereat I could be represented by counsel, cross-examine my accuser(s) and present evidence on my own behalf.

18. Subsequent to my termination, the Parent Association of Intermediate School #33 in Brooklyn, New York School District #14 initiated a grievance proceeding to overturn the Defendant

Board's decision and action to terminate me from my position as principal of said school.

19. The Parent Association's grievances revolved primarily around procedural irregularities in the process employed by the Defendant Board in making and implementing its decision of June 5, 1973 to terminate me. See: "Report to the Chancellor" attached to the Defendants' Answer herein.

20. I testified at the proceedings which were initiated by the Parent Association, held by the New York City Board of Education, and presided over by David Stein, a hearing officer designated by the Chancellor of the City School District of the City of New York.

21. On October 26, 1973, the Board of Education of the City School District of the City of New York upheld the Defendant Community Board's action and ruled against the Petitioner Parent Association's procedural and substantive claims.

22. The proceedings initiated by the Parent Association of Intermediate School #33 in Brooklyn, New York School District #14, and the October 26, 1973 decision of the Board of Education did not address themselves at all to my claim that I was denied due process when I was terminated from my position as principal of Intermediate School #33 on June 5, 1973. The Hearing Examiner's conclusion, in his report to the Chancellor, that I am "not entitled to a hearing or. . .to any explanation", See: page 23 of the "Report to the Chancellor " attached to Defendants' Answer herein, is gratuitous, at most, in view of the nature proceeding before him, the nature of the Petitioner therein and the issues being resolved. The issue in which Mr. Stein made his gratuitous, and I would suggest legally erroneous, conclusion, as set forth above, was in the context of addressing himself to the particular issue before him, to wit: whether the Community School

Board "must consult with the [Petitioner] Parents Association before removing a principal." (See: page 22 of the "Report to the Chancellor," attached to Defendants' Answer herein).

23. In a sense, the proceeding initiated by the Parent Association of Intermediage School #33 dealt with due process and racial discrimination issues insofar as they concerned the Community Board's responsibility, relationship,and actions with the Petitioner Parent Association, around my termination.

24. I participated in the proceedings initiated by the Parent Association solely as a witness. I was not a party to those proceedings and was not permitted to participate, as a party, in the proceedings.

25. Even if the Parent Association had prevailed in the administrative proceedings before Mr. Stein (for the Board of Education of the City School District of the City of New York), I would not have been entitled to a due process hearing prior to my termination; and, in all likelihood and notwithstanding consultation with and due process for the Parent Association my termination would have remained in effect.

26. I had the full support of the Parent Association of Intermediate School #33 while I was in the position of principal at said school; and I had the support of a majority of the faculty at said school.

27. While I was in the position of Principal at Intermediate School #33 in District #14, I performed my duties in that capacity in a satisfactory and competent manner.

28. I did not and do not pretend to have solved all the problems or even to have had all of the solutions to all of the problems attendant to providing the children attending said school, which school is segregated, quality and equal educational opportunity.

29. I instituted several innovative programs at said school, which programs, while addressing themselves to the particular needs of the children attending said school and while having the active support of the parents of the children and a majority of the faculty, were not met with favor by a minority of the faculty at the school or the Defendants herein.

30. The Defendant Superintendent's letter of June 1, 1973, to the Defendant Community School Board, in which he recommended that I be dismissed from my position at Intermediate School #33, in Brooklyn, New York School District #14 is a conclusory indictment of my competence as an administrator and is not supported by an specifics.

31. Unfortunately, the unsubstantiated indictment of my competence was the basis upon which I was terminated from my position in Brooklyn; New York School District #14, without me ever having the opportunity to defend myself and rebut the unsupported conclusions of incompetence which were leveled against me by the Defendant Superintendent herein.

32. The actions of the Defendant Superintendent and the Defendant Community School Board have seriously affected and will continue to affect my reputation as a school administrator, thereby seriously imparing my ability, if not totally foreclosing my access, to securing future employment as a school administrator, or any other type of administrator for that matter.

32a. I have applied for three supervisory positions as a principal in the New York City Public School System, since my termination in June, 1973, but I received an unfavorable consideration in all three instances. See attachments hereto and made part hereof.

33. The subjective considerations of the Defendants herein aside, I expected to continue in my position as principal at Intermediate School #33 in Brooklyn, New York School District #14, and perform the duties attendant thereto in September, 1973 and thereafter, just as I had been performing those duties in that

34. As a consequence of the Defendants' actions herein, in terminating me from my position as the principal at Intermediate School # 33 in Brooklyn, New York School District # 14, in the manner in which they did, my emloyment in said principal's position was arbitrarily cut off. Furthermore, the Defendants' actions herein have impugned my reputation as a competent school administrator (which I am as is reflected by the fact of my appointment and my background, See: Resume attached hereto and made part hereof) and have prematurely cut short my ability to pursue my career as a school administrator.

Claude L. Huntley Jr.

CLAUDE L. HUNTLEY, JR.

Sworn to and subscribed before
me this 11th day of February, 1974.

NOTARY PUBLIC

THOMAS McFEMAN
NOTARY PUBLIC, STATE OF NEW YORK
No. 41-[illegible]915
Qualified in New York County
Commission Expires [illegible]

My Commission Expires: _____

EDUCATIONAL PROFILE OF

CLAUDE L. HUTLEY, JR., B. S., M. A., PROF. DIPLOMA

I. ACADEMIC TRAINING:

A. SCHOOLS:

1. Alabama A. & M. UNIVERSITY- Bachelor of Science Degree 1943.
2. Teachers College, Columbia University (TC), 1950, M. A.
   (a) 40 Credits beyond said degree at cited College.
   (b) Area of Specialization - Teaching of History and Social Studies in Secondary Schools.
   (c) Certified by New York State Education Department in this field, February, 1962(Permanent).
3. Professional Diploma - Brooklyn College (CUNY), February 1969.
   (a) Area of Specialization - Advanced Certification in Administration and Supervision (31 Post-graduate Credits).
   (b) New York State Certification as Principal in Elementary School (Permanent), February,1969(Permanent).
   (c) New York State Certification as School Administrator and Supervisor, September,1970 (Permanent).
   (d) I have applied for my School District Administrator's Certification according to the new rules on State Certification as of July 30,1971 (Education Law Section 3003).

II. EXPERIENCE:

A. SCHOOLS:

1. 2½ years teaching English and Social Studies at NEW YORK STATE VOCATIONAL INSTITUTION, Coxsackie, N. Y.(New York State Department of Correction (Teaching Delinquent Boys (17-21).
2. In this position, I helped to formulate a curriculum for cited boys and their particular situation. The specific aim was to help prepare them for life outside of the Correctional Institution, through the rehabilitative process.
3. Representative to the MANHATTAN ADRAD INSTITUTE ON DELINQUENCY and CRIME, at St. Laurence University, Canton, N. Y., 1959.
4. I have been employed by the N. Y. C. BOARD of EDUCATION FOR nearly 16 years exclusive of prior service allowance(approximately 21 3/4 years devoted to education. All of those years have been in SPECIAL SERVICE SCHOOLS and SCHOOLS FOR THE SOCIALLY MALADJUSTED.

B. SCHOOLS IN NEW YORK CITY:

1. P. S. # 26, Brooklyn, September 1957 - September 1962 Inclusively.
   (a) At this school, I was a member of the Curriculum Committee in helping to reinforce the school's curriculum to make it more meaningful for the children in the "Inner City Schools".
2. P. S. # 36, Brooklyn, September, 1962 - June, 1970.
   (a) At this school, I was a member of the CURRICULUM COMMITTEE ; Attendance Coordinator; School Treasurer; Jr. Guidance Chairman for 4 years (In this capacity, I was interested in alleviating unfavorable working conditions to avoid excessive grievances, complaints, establishing effective rapport with administrative personnel, and helping to improve teaching conditions.
   (b) I served as Acting Assistant Principal (Supervision and Pedagogy) at this school. I served in this capacity for nearly 4 years. I was responsible for Curriculum and Curriculum Development, ordering curriculum materials, conducting normal Observations of Teachers, holding pre- & post-observation conferences, planning [illegible]

teachers, supervising andadministering the Reading Program and assisting in the administration and supervision of the entire school.

3. I served for 5 years as TEACHER - CHARGE of VACATION DAY CAMP at P. S. # 30, Queens. I supervised 5 teachers and several student Counselors in planning the entire summer program for 700 children, during the summers of 1963 throughout 1964. I was responsible for all planning of activities for the entire school for cited program.
4. SUMMER, 1965 - I worked as a Teacher of PRE-SCHOOL CHILDREN in the U.S. [illegible] SPONSORED HEAD START PROGRAM, in Freeport, L. I.
   (a) I also served as a TEACHER in the AFTER - SCHOOL TUTORIAL PROGRAM for the Freeport, L. I. Board of Education during the fall and winter of 1965 - 1966.
5. I served as TEACHER - In - Charge of the AFTER - SCHOOL STUDY CENTER at P. S. # 36 Brooklyn during the Spring of 1966. I supervised other teachers in teaching Remedial Reading and Mathematics as the specific curriculum areas of interests.
6. I served in a supervisory capacity with HARYOU-ACT during the summer of 1967. I was responsible for one of the Education Components geared to Community action in the Central Harlem area.
7. I supervised the LANGUAGE HELPERS PROGRAM (Division of Urban Aid). I directed teachers, Language Helpers, and Educational Assistants in the area of Remediation at P. S. # 36 Brooklyn.

C. As a SUPERVISOR OF THE SOCIALLY MALADJUSTED at P. S. # 36 Brooklyn, I have had a wealth of experience in curriculum changes and innovation. I geared the curriculum to fit the needs of the special type boys in this school. This situation called for effective planning in all phases of the curriculum to make the learning process more meaningful and effective for them. I made special arrangements to include all aspects of BLACK HISTORY in their daily educational programs. This was an ongoing activity and it involved the pupils and teachers in this venture. It is my belief that this aspect of the curriculum was most meaningful and appropriate for the ethnic groups, at P. S. # 36 Brooklyn. I did my utmost best to help improve the self-image of the AFRO-AMERICAN and the AFRO-SPANISH STUDENTS in cited school. This approach made the students feel proud of their specific heritages and enabled them to establish a positive image of themselves. In this way, they would be able to achieve their full potential into the turbulent seventies and eighties.

D. I was a REPRESENTATIVE at the 18th DISTRICT DRUG ADDICTION CONFERENCE, February, 1972. Here, we received [illegible] under the auspices of the N. Y. S. and N. Y. C. Addiction Services Agency in preparation for us to inaugurate a Drug Prevention Program in our respective Schools.
   1. I was a REPRESENTATIVE at the 18th DISTRICT'S SPECIAL 12 WEEK SEMINAR on DRUG ADDICTION PREVENTION (February - April, 1972). This emphasized [illegible].
   2. I served as Narcotics Coordinator at P. S. # 36 Brooklyn.

E. [illegible]
   1. This is my third(3rd) year as Chief Administrative Officer of cited school.
   2. I was appointed to this position in July, 1970 by the CEB of District 14 by a 9 to 0 vote(Resident Court Case by the U.S. A.)
      (a) Please note that cited school is one of the lowest (3) Schools in cited district.
   3. I [illegible]

[illegible]

III. [illegible] I. S. # 32 (Brooklyn):*

A. I. S. # 322, 800 Williamsburg Avenue, Brooklyn, N. Y.

1. READING COORDINATOR, (September, 1973 - Present). I'm [illegible] Population of 30 Class A (750) pupils) in the [illegible] grades. Need [illegible] classes instead of [illegible] been out of regular classes for Remediation Program.
(a) Emphasis of this Reading program is based on the supposition that the pupil's reading level will be [illegible] the time that Metropolitan Achievement Test is [illegible] April, 197[illegible].

* NOTE: [illegible] DECEMBER 21, 1973 closing of school on June 24, 1974. A [illegible] here is smaller as a result of [illegible]

CERTIFICATE OF SERVICE

JAMES I. MEYERSON, one of the attorneys for the Plaintiff, certifies that on the 19th day of February, 1974, I did serve a copy of the foregoing Motion for Summary Judgment and the Affidavit in Support thereof upon the attorney for the Defendants by leaving the same as follows: Office of the Corporation Counsel, City of New York, Municipal Building, 16th Floor, New York, New York 10007, Attention: Elliot Hoffman, Esq., Assistant Corporation Counsel.

JAMES I. MEYERSON
N.A.A.C.P. - 1790 Broadway
New York, New York 10019
(212) 245-2100

Attorney for Plaintiff

IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

CIVIL NO. 73 Civ. 1775

CLAUDE L. HUNTLEY, JR.,

PLAINTIFF

vs

COMMUNITY SCHOOL BOARD
DISTRICT # 14,etc., et. al.,

DEFENDANTS

MOTION FOR SUMMARY JUDGMENT

THOMAS HOFFMAN
200 West 57th Street
Suite # 605
New York, New York 10019
(212) 581-1180

NATHANIEL R. JONES
JAMES I. MEYERSON
N.A.A.C.P. - 1790 Broadway
New York, New York 10019
(212) 245-2100

Attorneys for Plaintiff (Moving Party)

Exhibit I

EDUCATIONAL PROFILE OF

CLAUDE L. HUNTLEY, JR., B. S., M. A., PROF. DIPLOMA

I. ACADEMIC TRAINING:

A. SCHOOLS:

1. Alabama A. & M. UNIVERSITY- Bachelor of Science Degree 1943.
2. Teachers College, Columbia University (NYC) 1950, M. A.
   (a) 40 Credits beyond said degree at cited College.
   (b) Area of Specialization - Teaching of History and Social Studies in Secondary Schools.
   (c) Certified by New York State Education Department in this field, February, 1952 (Permanent).
3. Professional Diploma - Brooklyn College (CUNY), February 1969.
   (a) Area of Specialization - Advanced Certification in Administration and Supervision (31 Post-graduate Credits).
   (b) New York State Certification as Principal in Elementary School (Permanent), February, 1969 (Permanent).
   (c) New York State Certification as School Administrator and Supervisor, September, 1970 (Permanent).
   (d) I have applied for my School District Administrator's Certification according to the new rules on State Certification as of July 30, 1971 (Education Law Section 3003).

II. EXPERIENCE:

A. SCHOOLS:

1. 5 3/4 years teaching English and Social Studies at NEW YORK STATE VOCATIONAL INSTITUTION, Coxsackie, N. Y. (New York State Department of Correction (Teaching Delinquent Boys (17-21).
2. In this position, I helped to formulate a curriculum for cited boys and their particular situation. The specific aim was to help prepare them for life outside of the Corectional Institution, through the renabilitative process.
3. Representative to the FREDERICK MORAN INSTITUTE ON DELINQUENCY and CRIME, at St. Lawrence University, Canton, N. Y., 1953.
4. I have been employed by the N. Y. C. BOARD of EDUCATION for nearly 15 years exclusive of prior service allowance (approximately 21 3/4 years devoted to education. All of these years have been in SPECIAL SERVICE SCHOOLS and SCHOOLS FOR THE SOCIALLY MALADJUSTED.

B. SCHOOLS IN NEW YORK CITY:

1. P. S. # 26, Brooklyn, September 1957 - September 1962 inclusively.
   (a) At this school, I was a member of the Curriculum Committee in helping to reinforce the school's curriculum to make it more meaningful for the children in the "Inner City Schools".
2. P. S. # 36, Brooklyn, September, 1962 - June, 1970.
   (a) At this school, I was a member of the CURRICULUM COMMITTEE ; Attendance Coordinator; School Treasurer; UFT Chapter Chairman for 4 years (In this capacity, I was interested in alleviating unfavorable working conditions to avoid excessive grievances, complaints, establishing effective rapport with administrative personnel, and helping to improve teaching conditions.
   (b) I served as Acting Assistant Principal (Supervision and Pedagogy) at this school. I served in this capacity for nearly 4 years. I was responsible for Curriculum and Curriculum Development, ordering curriculum materials, conducting formal Observations of Teachers, holding post - observation conferences, planning trips, planning assemblies, assisting; new

teachers, supervising and administering the Reading Program and assisting in the administration and supervision of the entire school.

3. I served for 5 years as TEACHER - CHARGE of VACATION DAY CAMP at P. S. # 30, Queens. I supervised 5 teachers and several student Counselors in planning the entire summer program for 700 children, during the summers of 1955 throughout 1964. I was responsible for all planning of activities for the entire school for cited program.
4. SUMMER, 1965 - I worked as a Teacher of PRE-SCHOOL CHILDREN in the U.S. GOVERNMENT SPONSORED HEAD START PROGRAM, in Freeport, L. I.
   (a) I also served as a TEACHER in the AFTER - SCHOOL TUTORIAL PROGRAM for the Freeport, N. Y. Board of Education during the fall and winter of 1965 - 1966.
5. I served as TEACHER - in - Charge of the AFTER - SCHOOL STUDY CENTER at P. S. # 36 Brooklyn during the Spring of 1966. I supervised other teachers in teaching Remedial Reading and Mathematics as the specific curriculum areas of interests.
6. I served in a supervisory capacity with HARYOU-ACT during the summer of 1967. I was responsible for one of the Education Components geared to Community action in the Central Harlem area.
7. I supervised the LANGUAGE HELPERS PROGRAM (Division of Urban Aid). I directed teachers, Language Helpers, and Educational Assistants in the area of Remediation at P. S. # 36 Brooklyn.

C. As a SUPERVISOR OF THE SOCIALLY MALADJUSTED at P. S. # 36 Brooklyn, I have had a wealth of experience in curriculum changes and innovation. I geared the curriculum to fit the needs of the special type boys in this school. This situation called for effective planning in all phases of the curriculum to make the learning process more meaningful and effective for them. I made special arrangements to include all aspects of BLACK HISTORY in their daily educational programme. This was an ongoing activity and it involved the pupils and teachers in this venture. It is my belief that this aspect of the curriculum was most meaningful and appropriate for the ethnic groups, at P. S. # 36 Brooklyn. I did my utmost best to help improve the self-image of the AFRO-AMERICAN and the AFRO-SPANISH STUDENTS in cited school. This approach made the students feel proud of their specific heritages and enabled them to establish a a positive image of themselves. In this way, they would be able to achieve their full potential into the turbulent seventies and eighties.

D. I was a REPRESENTATIVE at the 14th DISTRICT DRUG ADDICTION CONFERENCE, October, 1969. Here, we received SENSITIVITY TRAINING under the auspices of the N. Y. S. and N. Y. C. Addiction Services Agency in preparation for us to inaugurate a Drug Prevention Program in our respective schools.
   1. I was a REPRESENTATIVE at the 14th DISTRICT'S SPECIAL 12 WEEK SEMINAR on DRUG ADDICTION PREVENTION (February - April, 1970). This emphasized ENCOUNTER SESSIONS.
   2. I served as Narcotic Coordinator at P. S. # 36 Brooklyn.

E. I'm currently serving as COMMUNITY PRINCIPAL of MARK HOPKINS INTERMEDIATE SCHOOL (I. S. # 33) 70 Tompkins Avenue, Brooklyn, N. Y. 11206. I'm also Supervising and administering an ANNEX BUILDING located at 75 Meserole Ave., Brooklyn. My entire Sixth Grade is bussed to this location daily for educational purposes.
   1. This is my third(3rd) year as Chief Administrative Officer of cited school.
   2. I was appointed to this position in July, 1970 by the CLSB of District 14 by a 9 to 0 vote(Results: Court Case by the U.S. A.)
      (a) Please note that cited school is one of the largest I. S. Schools in cited district.
   3. I supervise 101 teachers and 3 Assistant Principals. My school population was 1700 pupils in the Main Building and the Annex. Grades: 6, 7, and 8.

* I'm now the former Principal of cited School(10/1/73)

III. EMPLOYMENT SINCE TERMINATION FROM I. S. # 32 (Brooklyn):*

A. I. S. # 117, 300 Willoughby Avenue, Brooklyn, N. Y.

1. READING COORDINATOR, (September, 1973 - Present). I'm responsible for REMEDIATION SERVICES which include a Target Population of 10 Classes (250 pupils) in the 6th and 7th grades. Often pupils come to my classes instead of being taken out of regular classes for Remediation purposes.
(a) Emphasis of this Reading program is based on the proposition that the pupils' reading level will be increased by the time that Metropolitan Achievement Test is given in April, 1974.

* NOTE: Client POPULATION DISCHARGED ON JUNE 5, 1973 prior to closing of school on June 29, 1973. A SECOND BOARD Case is pending as a result of said termination.

INDIVIDUAL RATING REPORT

File No. ___

Name of Teacher Huntley, Claude L., Jr. Grade and Sex of Class Asst. Principal

School P.S. 36, K District 14 Borough K

Rating for School Year Ending June 1968 S

Date S—U—D

C.A.R. 43

Absence Lateness Non-Attendance

T 5 D 15 H ___ M ___ T 0 D ___ H ___ M ___ T 0 D ___ H ___ M ___

Salary Rate as of June 1968 $ 12500 Per Yr.

Principal Irving Goldberg

REGULATIONS

Section 89, Subdivision 7, provides for the rating of School Personnel:

Within the last ten days of the year, but prior to the last four school days thereof, the rating officer shall give or forward to each teacher reported upon, a transcript of the report on service of said teacher. Such transcript shall be given on this rating blank.
(See Instructions on reverse side of Form T.R.-152)

The rating officer may submit to the Superintendent of Schools, special reports upon exceptional services of a teacher. Such reports, if approved by the District Superintendent, shall be placed in the teacher's file.

Section 105a:

Appeals from unsatisfactory ratings must be made to the Superintendent of Schools, within 3 weeks (exclusive of summer vacation) after receipt of the rating.

OP-T.R. 151 150M SETS 4 67

INDIVIDUAL RATING REPORT

File No. 191328

Name of Teacher Claude J. Huntley, Jr. Grade and Sex of Class M Attd Coord.

School P-36-K District 14 Borough Bk

Rating for School Year Ending June 30 1967 S

S—U—D

C.A.R. 37D

Absence Lateness Non-Attendance

T 5 D 5 H ___ M ___ T ___ D ___ H ___ M ___ T 1 D 1 H ___ M ___

Salary Rate as of June 1967 $ 11,500 Per Annum

Principal

REGULATIONS

Section 89, Subdivision 7, provides for the rating of School Personnel:

Within the last ten days of the year, but prior to the last four school days thereof, the rating officer shall give or forward to each teacher reported upon, a transcript of the report on service of said teacher. Such transcript shall be given on this rating blank.
(See Instructions on reverse side of Form T.R.-152)

The rating officer may submit to the Superintendent of Schools, special reports upon exceptional services of a teacher. Such reports, if approved by the Assistant Superintendent, shall be placed in the teacher's file.

Section 105a:

Appeals from unsatisfactory ratings must be made to the Superintendent of Schools, within 3 weeks (exclusive of summer vacation) after receipt of the rating.

55 T.R. 151 100M SETS 10 63

BOARD OF EDUCATION
OF THE CITY SCHOOL DISTRICT OF NEW YORK

INDIVIDUAL RATING REPORT

S.S. # 422-16-5599 File No. 191328

For period from September 1969 through June 1970 S S-U-D

Name CLAUDE L. HUNTLEY License Com. Branches

School P.S. 36K District 75

CHECK ONE OF FOLLOWING:

TENURED [X] PROBATIONER [ ] SUBSTITUTE [ ]

ABSENCES* LATENESSES* NO. OF DAYS IN C.A.R.

T 7 D 7 H ___ M ___ T 1 D ___ H ___ M 27 40 (as of 6/24/70)

Current salary rate $ 15,750 per annum

Principal 6/25/70 Date

Irving Goldberg

O.P. 151 - 150M SETS - 7-69

INDIVIDUAL RATING REPORT

File No. 191328

Name of Teacher Huntley, Claude, L. Grade and Sex of Class 5-9(Asst. for Ped.)

School P-36-K District 75 Borough Bk

Rating for School Year Ending 6/30/69 19___ S

As of ~~6/19/69~~ 6/20/69 Date S—U—D

C.A. 38

Absence Lateness Non-Attendance

T 11 D 15 H ___ M ___ T 1 D ___ H ___ M 45 T 3 D 3 H ___ M ___

Salary Rate as of June 1969 $ 14,150 Per Annum

Principal

REGULATIONS

Section 89, Subdivision 7, provides for the rating of School Personnel:

Within the last ten days of the year, but prior to the last four school days thereof, the rating officer shall give or forward to each teacher reported upon, a transcript of the report on service of said teacher. Such transcript shall be given on this rating blank.
(See Instructions on reverse side of Form T.R.-152)

The rating officer may submit to the Superintendent of Schools, special reports upon exceptional services of a teacher. Such reports, if approved by the District Superintendent, shall be placed in the teacher's file.

Section 105a:

Appeals from unsatisfactory ratings must be made to the Superintendent of Schools, within 3 weeks (exclusive of summer vacation) after receipt of the rating.

OP-T.R. 151 150M SETS 4-67

Pltf's Deft's Ex. A For Ident
9/29/1974 Donna A. Mac

SCHOOL DISTRICT OF NEW YORK

INDIVIDUAL RATING REPORT

Name HUNTLEY, CLAUDE L Soc. Sec. # 422-16-5599 File # 191328

School I.S. 33 Borough K District # 14

License PRINCIPAL ☑ Tenured ☐ Probationer ☐ Substitute ☐ Non-Tenured Supervisor

Rating ___ (S, U, or D) For the Period From 9/71 To 6/72

Current Salary Rate $ 26,320. Per ANNUM

Absence Excluding Non-Attendance T	D	H	M	Lateness T	H	M	Days in C.A.R.*	or Borrowed Days**	Days of Substitute Service
2	2	—	—	—	—	—	52	—	

*Regularly appointed staff may not exceed 200; regular substitutes, 120.
**May not exceed 20 for regularly appointed staff only.

Dated 9-1-72 Signature of Principal (If Other, Show Title) Felley C. Clayton

Form OP 151

ORIGINAL To Staff Member
DUPLICATE For School File

ADDITIONAL COPIES if required by instructions on reverse

25-2800.40.0 (3000 PKGS) 9 71

BOARD OF EDUCATION
OF THE CITY SCHOOL DISTRICT OF NEW YORK

INDIVIDUAL RATING REPORT

S.S. # 422 16 5599 File No. 191328

For period from 9/9/70 19 through 6/30/71 19 S S-U-D

Name Huntley, Claude L. Jr. License Principal

School I. S. 33 K District 14

CHECK ONE OF FOLLOWING:

TENURED ☐ PROBATIONER ☐ SUBSTITUTE ☐

ABSENCES* T 6 D 6 H ___ M ___

LATENESSES* T 0 D ___ H ___ M ___

NO. OF DAYS IN C.A.R. 44

Current salary rate $ 24,560 per annum Ralph D. Brancel 6/24/71
Principal Supt Date

-828-

The University of the State of New York
The State Education Department

PERMANENT CERTIFICATE

This certificate, valid for service in the public schools, is granted to the person named below who has satisfied the minimum requirements prescribed by the State Education Department.

Name: CLAUDE LEE HUNTLEY

Certification Area: ELEMENTARY SCHOOL PRINCIPAL AND SUPERVISOR OF ELEMENTARY EDUCATION

Effective Date: February 1, 1969

Certificate Number: 422165599

In witness whereof, the Education Department under its seal at Albany, New York, grants this certificate.

Director, Division of Teacher Education and Certification

James E. Allen, Jr.
Commissioner of Education

The University of the State of New York
The State Education Department

PERMANENT CERTIFICATE

This certificate, valid for service in the public schools, is granted to the person named below who has satisfied the minimum requirements prescribed by the State Education Department.

Name: CLAUDE LEE HUNTLEY

Certification Area: SCHOOL ADMINISTRATOR AND SUPERVISOR

Effective Date: SEPTEMBER 1, 1970

Certification Number: 422165599

In witness whereof, the Education Department under its seal at Albany, New York, grants this certificate.

-829-

Director, Division of Teacher Education and Certification

Ewald B. Nyquist
Commissioner of Education

FALL DISTRICT 14

	School	Principals	Ast. Prin	Teachers				
				Black	Oriental	Spanish	Other	Total
71-72	16	1 (other)	1 (other)	1			44	45
	17	1 (o)	2 (o)	3		1	54	58
	18	1 (o)	0	2			15	17
	19	1 (o)	4 (o)	2		1	72	75
	23	1 (o)	2 (o)	5		1	41	47
	31	1 (o)	0				33	33
	33	1 (B)	8 (3B,5o)	11			98	109
	34	1 (o)	0				21	21
	49	1 (o)	5 (1B,4o)	12	1	1	69	83
	50	1 (o)	4 (o)	6		2	73	81
	59	1 (o)	2 (o)	9		1	45	55
	71	1 (o)	2 (o)	4		2	33	39
	84	1 (o)	2 (o)	3		6	51	60
	110	1 (o)	1 (o)	3			33	36
	120	1 (Sp)	2 (1B,1o)	12		1	55	68
	122	1 (o)	2 (o)	1	1	4	40	46
	126	1 (o)	4 (o)	6		1	78	85
	132	1 (o)	1 (o)	1		1	41	43
	147	1 (o)	2 (o)	5		1	48	54
	148	1 (o)	2 (o)	9			35	44
	157	1 (o)	2 (o)	3		1	46	50
	168	1 (o)	2 (o)	5		1	33	39
	196	1 (o)	3 (o)	8		1	55	64
	250	1 (o)	2 (c)	4			53	57
	257	1 (o)	2 (1B,1o)	3		2	41	46
	297	1 (o)	2 (o)	6			39	45
	318	1 (o)	6 (o)	4		5	75	84

BOROUGH BROOKLYN DISTRICT NO. 14 PAGE 83 OF 141

LEVEL J.H.S./I.S. DATE STAT. 3, 1974

ORG.	SCHOOL	CAPACITY	As of Oct. 31, 1972 REGISTER	% UTIL.	N	P	O	CAPACITY	As of Oct. 31, 1973 REGISTER	% UTIL.	N	P	O	REMARKS
6-8	33	1880	1683	89.5	1153 68.5	520 30.9	10 0.6		1482	79.	1016 71.2	446 28.1	10 0.7	Includes J. 126(SLR).
6-8	49	1638	1339	81.7	298 22.3	954 76.2	87 6.5		1325	81.	278 21.1	983 74.1	64 4.8	
7-9	50	1360	1214	89.3	98 8.1	1007 82.9	109 9.0		1234	91.	82 6.6	1030 83.5	122 9.9	
5-7	71	1018	756	74.3	140 18.5	562 74.3	54 7.2		986	97.	168 17.0	694 70.4	124 12.6	
7-9	126	1444	1372	950	359 26.2	427 31.1	586 42.7		1373	95.	344 25.0	434 32.0	590 43.0	
6-8	318	1426	1235	86.6	356 28.8	804 65.1	75 6.1		1291	91.	430 33.3	791 61.3	70 5.4	
(6)	NA-/IS TOTALS	8766	7599	86.7	2404 31.6	4274 56.3	921 12.1		7691	88.	2359 30.7	4357 56.6	980 12.7	
(27)	DIST. TOTALS	33034	27,807	84.2	7093 25.5	17146 61.7	3569 12.8		26,655	81.	6651 25.0	16394 61.5	3610 13.5	

BOROUGH BROOKLYN DISTRICT NO. 14

LEVEL ELEMENTARY

DATE JAN. 3, 1974

ORG.	SCHOOL	CAPACITY	AS OF OCT. 31, 1972 REGISTER	% UTIL.	N	P	O	CAPACITY	AS OF OCT. 31, 1973 REGISTER	% UTIL.	N	P	O	REMARKS
K-6	147	1762	1005	57.0	307 30.5	681 67.8	17 1.7		887	50.	294 33.1	581 65.5	12 1.4	
K-6	148	1021	875	85.7	393 44.9	469 53.6	13 1.5		685	67.	302 44.1	372 54.3	11 1.6	
K-5	157	1210	1015	83.9	364 35.9	567 55.9	84 8.2		918	76.	288 31.4	562 61.2	68 7.4	
K-6	168	1160	764	65.9	203 26.6	535 70.0	26 3.4		583	50.	182 31.2	388 66.6	13 2.2	
K-6	196	1452	1052	72.5	150 14.3	804 76.4	98 9.3		993	68.	128 12.9	796 80.2	69 6.9	
K-5	250	1284	1245	97.0	185 14.9	950 76.3	110 8.8		1242	97.	173 13.9	928 74.7	141 11.4	
K-5	257	1148	837	72.9	286 34.2	536 64.0	15 1.8		735	64.	243 33.1	482 65.6	10 1.3	
K-5	297	1246	902	72.4	606 67.2	290 32.1	6 0.7		677	70.	586 67.2	278 31.9	8 0.9	Includes portables
(21)	ELEM. TOTALS	24,268	20,208	83.3	4688 23.2	12872 63.7	2648 13.1		18,914	78.	4242 22.6	12042 63.5	2630 13.9	

BOROUGH BROOKLYN DISTRICT NO. 14 PAGE 54 OF 121

LEVEL ELEMENTARY DATE JAN. 3, 1974

ORG.	SCHOOL	CAPACITY	AS OF OCT. 31, 1972 REGISTER	% UTIL.	N	P	O	CAPACITY	AS OF OCT. 31, 1973 REGISTER	% UTIL.	N	P	O	REMARKS
K-5	16	1419	880	62.0	163 18.5	651 74.0	66 7.5		1037	73.	174 16.8	771 74.3	70 6.7	
K-6	17	1523	1041	68.4	37 3.6	849 81.5	155 14.9		1203	79.	34 2.8	1000 83.1	169 14.1	Includes portables
K	18	393	374	95.2	29 7.8	314 83.9	31 8.3		358	91.	28 7.8	305 85.2	25 7.0	
K-6	19	1432	1883	131.5	31 1.7	1653 87.9	196 10.4		1161	102.	23 1.6	1211 84.9	187 13.5	Includes portables
K-5	23	1268	1000	78.9	560 56.0	435 43.5	5 .5		890	70.	547 61.7	331 37.2	10 1.1	
K-6	31	775	728	93.9	5 0.7	401 55.1	322 44.2		701	90.	8 1.1	394 56.2	299 42.7	
K-6	34	559	562	100.5	5 .9	100 17.8	457 81.3		573	103.	11 1.9	103 18.0	459 80.1	
K-5	59	1211	1043	86.1	648 62.1	373 35.8	22 2.1		1007	83.	620 61.6	371 36.9	15 1.5	
K-6	84	1473	1385	94.2	75 5.4	1225 88.3	88 6.3		1301	88.	58 4.5	1172 90.5	65 5.0	
K-6	110	981	771	78.6	183 23.7	205 26.6	383 49.7		777	79.	168 21.6	203 26.1	406 52.3	
K-5	120	1349	1012	75.0	138 13.6	837 82.7	35 3.5		971	72.	135 13.9	804 83.0	30 3.1	
K-4	122	638	883	138.4	114 12.9	657 74.4	112 12.7		792	124.	87 11.0	603 76.1	102 12.9	
K-6	132	961	948	98.3	206 21.7	335 35.4	407 42.9		975	101.	203 20.8	321 32.9	451 46.3	

DISTRICT 14 Ethnic breakdown of pupils (per Mrs. Addler, Research)

	Puerto Rican	Other Spanish Surnamed	Black	American Indian	Oriental	Other	Total
10/21/71	17913 (61.6%)	866 (3.0%)	7413 (25.5%)	10 (0%)	164 (0.6%)	2694 (9.3%)	29060
10/31/72	17057 (61.7%)	834 (3.0%)	7084 (25.5%)	102 (0%)	192 (0.7%)	2532 (9.1%)	27801
prelim 1973	16394 (61.5%)	844 (3.2%)	6651 (25.0%)	6 (0%)	206 (0.8%)	2554 (9.6%)	26655

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

REQUESTS MADE BY PARENTS FOR TRANSFER FROM:	IS 33	IS 33 A
1970-71	5	1 (*)
1971-72	28	37
1972-73	132	89
1973-74	93	22
1974-75	47	—

(*) Incomplete ..... the assignment to keep records on transfers was not part of the function of the District Guidance Office in 1970-71; parents requesting transfers were processed for the most part through Mr. Kaplowitz' office.

BOARD OF EDUCATION
THE CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
Community Superintendent

Tel. 963-4800

February 13, 1975

To whom it may concern:

The following is a list of the number of School Aides and School Security Guards assigned to the Middle-Junior High Schools of District 14 for 1972-73. This list was compiled from the payrolls of May 1973.

School	Number of School Aides	Number of School Security Guards
I.S. 33	20	3
I.S. 49	10	4
J.H.S. 50	11	3
I.S. 71	5	3
J.H.S. 126	11	3
I.S. 318	9	3

It is to be noted that the duties of School Aides are very similar to that of School Security Guards. The position of School Aide can be interchangeable with that of School Security Guard.

Prepared by:

Donald F. Jones

Donald F. Jones
Personnel Director
District 14, Brooklyn

ap

BOARD OF EDUCATION
THE CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
Community Superintendent

Tel. 963-4900

School Guards Employed in District 14

School	Year 1967-1970	1970-71	1971-72	1972-73	1973-74
33	-	3	2	2	2
49	-	2	2	5	3
50	-	1	1	3	3
71	-	0	1	5	1
126	-	1	1	3	2
318	-	1	1	3	1

BOARD OF EDUCATION
THE CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
Community Superintendent

Tel. 963-4800

Report of Fires in District 14

School	Year	1969	1970	1971	1972	1973	1974
I.S. 33		0	0	1	33	5	0
I.S. 49		5	3	9	4	0	0
JHS 50		0	0	0	0	0	0
I.S. 71		-	0	0	0	0	0
JHS 126		0	0	0	0	0	0
I.S. 318		0	0	0	0	0	0

BOARD OF EDUCATION
THE CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
Community Superintendent

Tel. 963-4800

Record of Untoward Incidents District 14

Year	1969	1970	1971	1972	1973	1974
I.S. 33	0	2	2	6	4	1
I.S. 49	1	1	3	0	1	2
JHS 50	0	0	1	0	0	4
I.S. 71	0	1	0	0	0	1
JHS 126	0	1	0	1	2	6
I.S. 318	0	0	2	3	0	3

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

May 28, 1974

Dear Mr. Rogers:

The attached survey shows a comparison of mean (average) grade equivalents for grades 6-8. For some grades in 1969, I had to use the median score. Although the scores for I.S. 33 are not much different from I.S. 49 or J.H.S. 50, they should be appreciably higher due to the fact that two of our top scoring schools, P.S. 297 and P.S. 59, feed into this intermediate school.

Sincerely yours,

Virginia Caputo

Virginia Caputo

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4600

H.A.T. READING SURVEY GRADES 6-8
(MEAN)

School	Grade	1969	1970	1971	1972	1973	1974
I.S.33	6	4.3 (med.)	4.7	4.4	5.0	5.8	Results not returned
	7	5.1 (med.)	5.2	4.7	4.8	4.7	5.1
	8	6.2	5.7	5.6	5.3	5.5	Waiting for report from Central Board
I.S.49	6	4.5 (med.)	4.7	4.6	4.1	4.3	Results not returned
	7	5.7 (med.)	5.6	5.0	4.8	4.8	5.1
	8	6.4	6.9	5.9	5.6	5.5	Waiting for report from Central Board
J.H.S. 50	7	5.0	6.0	5.1	5.1	4.8	5.4
	8	6.1	6.3	6.2	5.5	6.1	Waiting for report from Central Board
I.S. 71	7					4.9	5.1
J.H.S.126	7	5.8	7.1	6.5	6.2	6.2	5.4
	8	7.2	7.2	7.0	7.3	6.9	Waiting for report from C.B.
I.S.318	6	4.1 (med.)	4.8	4.7	4.9	5.0	Results not returned.
	7	5.0	5.7	5.2	5.4	5.5	5.4
	8	6.1	6.0	6.1	6.0	6.1	Waiting for report from Central Board

SCHOOL LOG

EXHIBIT "B" TO

AFFIDAVIT OF WILLIAM A. ROGERS

BPS-PO 8-1014-3/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☑ (Check one or both)

FIRE

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 32

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence September 16, 1971 Time 11:20 AM ____ PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school session

4. Means of entry, (if building unlawfully entered) N/A

5. In the case of unlawful entry, who secured building to such entry? When?

Name ____ Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?

Name ____ Date ____ Time ____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $ ____

9. " " " Other than Board of Education property mission------ $ ____

10. Location and extent of damage Boy's Gym-

one piano cover and 9 Sq. Ft. of wood floor in gym.burned.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 200.00

12. Describe damage repaired by custodial force Cleaned up after fire

was extinguished.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 5.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) -243- $ 205.00

See other side

EXHIBIT "B" To Rogers AFFIDAVIT

15. Was Borough Office notified prior submission of this report? Yes

If yes, state date Sept. 16, 1971 If no, state reason

16. What Police Precinct was notified? 90 Pct. & Eng. Co 230 Date 9/16/71 Time 11:30 A.M.

17. Did Police visit the school? Yes

Officer's name Sgt. Evans & Firm. Harmon Date 9/16/71 Time 11:30 A.M.

18. What action was taken by Police?

19. State what action you are taking and give your suggestions for preventing recurrence.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

John J. O'Connell 9-17-71

Custodian Engineer
Custodian

Date

Approved
Date 9/17/71

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

See other side

PS 4. 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☒ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name 2h

1. School J.H.S. 39 Borough Brooklyn
2. Date of occurence April 18, 1972 Time AM PM 2:55
3. Was building open at the time? Yes If yes, what activity or activities were in progress?

   Afternoon dismissal.
4. Means of entry, (if building unlawfully entered)
5. In the case of unlawful entry, who secured building to such entry? When?

   Name Date Time
6. Who discovered unlawful entry, or act of vandalism? When?

   Name Date Time
7. Itemize Board of Education or other property missing? (Specify whose property)
8. Estimated value of Board of Education property missing ---------- $
9. " " " Other than Board of Education property mission------- $
10. Location and extent of damage Room 320 - Burned wooden book cabinet, smoke damage, walls and ceilings and light fixture. Burned bulletin board on fourth floor corridor.
11. Estimated cost of repairs to be made by Board of Education ---------- $ 500.00
12. Describe damage repaired by custodial force Cleaned up after fire was extinguished.
13. Estimated cost of labor and materials furnished by Custodian ---------- $ 10.00
14. Total estimated cost because of unlawful entry and/or vandalism

    (Total items 8, 9, 11, and 13) ---------- $ 510.00

See other side

-845-

15. Was Borough Office notified prior to submission of this report? _____

If yes, state date _____ If no, state reason _____

16. What Police Precinct notified? _____ Date _____ Time _____

17. Did Police visit the school? _____

Officer's name _____ Date _____ Time _____

18. What action was taken? Fire Chief Calchun 1/28/72 3 PM

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date _____

_____
Custodian Engineer
Custodian

4/21/72

Approved
Date _____
4/21/72

_____
Principal

Recommendation of Asst. Supervisor _____

_____
Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____
Borou Supervisor of Custodians

15. Was Borough Office notified prior to submission of this report? _____

If yes, state date _____ If no, state reason Yes

16. What Police Precinct [illegible] 1972 Date _____ Time _____

17. Did Police visit the school? [illegible] 4/28/72 2 PM

Officer's name Yes - Fire Dept. Date [illegible] Time _____

18. What action was taken by Police Fire Chief Galehun 4/28/72 3 PM

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date _____ Custodian Engineer 4/21/72
Custodian

Approved
Date 4/21/72 Principal

Recommendation of Asst. Supervisor _____

Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____ Borou Supervisor of Custodians

15. Was Borough Office notified prior to submission of this report? [illegible]

If yes, state date [illegible] If no, state reason _____

16. What Police Precinct was notified? [illegible] Date [illegible] Time [illegible]

17. Did Police visit the school? [illegible]

Officer's name [illegible] Date [illegible] Time [illegible]

18. What action was taken by Police? [illegible]

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date Nov 30 1972

Custodian Engineer
Custodian

Approved
Date 12/7/72

Principal

Recommendation of Asst. Supervisor _____

Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

Borou Supervisor of Custodians

See other side

15. Was Borough Office notified prior to submission of this report? [illegible]

If yes, state date [illegible] If no, state reason _____

16. What Police Precinct was notified? [illegible] Date [illegible] Time [illegible]

17. Did Police visit the school? [illegible]

Officer's name [illegible] Date [illegible] Time [illegible]

18. What action was taken by Police? [illegible]

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date Dec 2n 1972

Custodian Engineer
Custodian

Approved
Date 1/2/73

Principal

Recommendation of Asst. Supervisor _____

Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

Borou Supervisor of Custodians

See other side

Form 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name E. McNamara

1. School P.S. 33 Borough Brooklyn

2. Date of occurence Oct 14 1972 Time ____ AM 12:30 PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Borough school session

4. Means of entry, (if building unlawfully entered) ____

5. In the case of unlawful entry, who secured building to such entry? When?

Name ____ Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?

Name ____ Date ____ Time ____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ----------$ ____

9. " " " Other than Board of Education property mission-------$ ____

10. Location and extent of damage Fire inside sound proofing wall in Band Room B-37. Fire in Toughbooks desk Rm. 103

11. Estimated cost of repairs to be made by Board of Education ----------$ 50.00

12. Describe damage repaired by custodial force Cleaned up debris

13. Estimated cost of labor and materials furnished by Custodian ----------$ 10.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- ---$ 60.00

See other side

-850-

15. Was Borough Office notified prior to ...mission of this report? _____ Yes

If yes, state date May 5, 1972 If no, state reason _____

16. What Police Precinct was notified? Bklyn. 230 Date May 5, 1972 Time 12:40

17. Did Police visit the school? Yes

Officer's name Lt. Gavino Date May 5, 1972 Time 12:45 PM

18. What action was taken by Police? Investigating

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date May 10, 1972

Custodian Engineer
Custodian

Approved
Date May 10, 1972

Principal

Recommendation of Asst. Supervisor _____

Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

Borou Supervisor of Custodians

PO 4. 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☐ FIRE (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name ____ E. McGuiness ____

1. School ____ J.H.S. 33 ____ Borough ____ Brooklyn ____

2. Date of occurence May 10, 1972 May 11, 1972 Time 10:30 [illegible] AM 1:30 & 11:30 PM

3. Was building open at the time? ____ Yes ____ If yes, what activity or activities were in progress?

Regular school in session on both days.

4. Means of entry, (if building unlawfully entered) ____

5. In the case of unlawful entry, who secured building to such entry? When?

Name ____ Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?

Name ____ Date ____ Time ____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ----------$ ____

9. " " " Other than Board of Education property mission-------$ ____

10. Location and extent of damage May 10 - Rm. 413 was broken into and fire started in book cabinet. May 11 - Fire in waste basket in Rm. 320 and Fire on 3rd floor - bulletin board.

11. Estimated cost of repairs to be made by Board of Education ----------$ 200.00

12. Describe damage repaired by custodial force Cleaned up debris

13. Estimated cost of labor and materials furnished by Custodian ----------$ 10.00

14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- ---$ 210.00

See other side

-852-

15. Was Borough Office notified or to submission of this report? _____ Yes

If yes, state date May 10 & May 11 /72 If no, state reason _____

16. What Police Precinct was notified? Inv. Co. 220 Date May 10 & 11/72 Time [illegible]

17. Did Police visit the school? Yes

Officer's name [illegible] Date May 10 & 11 Time [illegible]

18. What action was taken by Police? Investigation

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date May 12, 1972

[signature]
Custodian Engineer
Custodian

Approved
Date May 12, 1972

[signature]
Principal

Recommendation of Asst. Supervisor _____

_____
Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____
Borou Supervisor of Custodians

401-PO 4-20M-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATIC

FIRE

134

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number P. No Number

1. School J.H.S. 33 Brooklyn
Borough

2. Date of occurence May 23, 1972 Time 2130 AM PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?
Regular school in school

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?
Name Date Time

6. Who discovered unlawful entry, or act of vandalism? When?
Name Date Time

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ----------$

9. " " " Other than Board of Education property mission-------$

10. Location and extent of damage 10 small fires at following locations:
Rm. 302-bulletin bd., 3rd fl. Corridor bulletin bd., 1st fl. corridor waste basket, 2nd fl. bulletin fl., Rm. 308-waste basket, Rm. 329-waste basket, Rm. 402- waste basket, 4th fl. bulletin bd., 2nd fl. bulletin bd.

11. Estimated cost of repairs to be made by Board of Education ----------$ 150.00

12. Describe damage repaired by custodial force Cleaned up debris.

13. Estimated cost of labor and materials furnished by Custodian ----------$ 20.00

14. Total estimated cost because of unlawful entry and/or vandalism
(Total items 8, 9, 11, and 13) ---------- ---$ 170.00

See other side

Yes

15. Was Borough Office notified prior to submission of this report? _____ _____

If yes, state date _____ Time Called Code reason May 23, 1972 3:00 PM

16. What Police Precinct was notified? Yes _____ Date _____ Time _____

17. Did Police visit the scene? Yes May 23, 1972 3:05 PM

Officer's name Investigating Time _____

18. What action was taken by Police? _____

19. State what action you are taking and give your suggestions for preventing recurrence. _____

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____ _____ _____

Custodian Engineer
Custodian Date

May 24, 1972

Approved
Date _____

_____
Principal

Recommendation of Asst. Supervisor _____

_____
Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____
Borou Supervisor of Custodians

PO 4, 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name F. Mc Hugh

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence May 21, 1972 Time 5 small fires between 2:00 AM 2:30 PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school sessions

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?

Name Date Time

6. Who discovered unlawful entry, or act of vandalism? When?

Name Date Time

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $

9. " " " Other than Board of Education property mission------ $

10. Location and extent of damage 5 small fires at following locations: Rm. 208-bulletin bd., Rm. 131-bookcase, Rm. 112-waste basket, Main lobby- 2 display boards, Rm. 231- Teacher's Desk.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 250.00

12. Describe damage repaired by custodial force

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 30.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- $ 280.00

See other side

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15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date May 2, 1972 If no, state reason

16. What Police Precinct was notified? Dep. Co. 230 Date May 2, 1972 Time 11:50 A

17. Did Police visit the school? Yes

Officer's name Det Lt. Austin Date May 2, 1972 Time 2 PM

18. What action was taken by Police? Investigating

19. State what action you are taking and give your suggestions for preventing recurrence

Date May 2, 1972

Custodian Engineer
Custodian

Approved
Date May 2, 1972

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

See other side

PO 4. 10M-2/69

BOARD O. EDUCATION OF THE CITY OF EW YORK

134

BUREAU OF PLANT OPERATION

FIRE

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name P. Mc Hugo

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence May 26 & May 31, 1972 Time May 31 11:30 AM May 26 [illegible] PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school session

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?

Name _____ Date _____ Time _____

6. Who discovered unlawful entry, or act of vandalism? When?

Name _____ Date _____ Time _____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ----------$ _____

9. " " " Other than Board of Education property mission------$ _____

10. Location and extent of damage two small fires -
May 26, 1972 - 2nd Fl. bulletin board
May 31, 1972 - 2nd Fl. bulletin board

11. Estimated cost of repairs to be made by Board of Education ----------$ 80.00

12. Describe damage repaired by custodial force Cleaned up debris

13. Estimated cost of labor and materials furnished by Custodian ----------$ 10.00

14. Total estimated cost because of unlawful entry and/or vandalism
(Total items 8, 9, 11 and 13) ---------- ---$ 90.00

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date May 26 & May 31/72 If no, state reason _____

16. What Police Precinct was notified? Dept. Co. 230 Date May 26 & 31/72 Time [illegible]

17. Did Police visit the school? Yes

Officer's name Dept. Capt. Ford Date May 31, 1972 Time 11:10 AM

18. What action was taken by Police? Investigating

19. State what action you are taking and give your suggestions for preventing recurrence _____

Date May 31, 1972

[signature]
Custodian Engineer
Custodian

Approved
Date May 31, 1972

[signature]
Principal

Recommendation of Asst. Supervisor _____

_____
Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____
Borou Supervisor of Custodians

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

FIRE

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 14

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence June 14, 1972 Time ____ AM 12:30 PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?
Regular school in session.

4. Means or entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?
Name ____ Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?
Name ____ Date ____ Time ____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $ ____

9. " " " Other than Board of Education property mission------ $ ____

10. Location and extent of damage Fire in Storeroom 207. Books, papers and graduation gowns burned.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 100.00

12. Describe damage repaired by custodial force Mopped up water and cleaned up debris. Replaced sprinkler head.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 30.00

14. Total estimated cost because of unlawful entry and/or vandalism
(Total items 8, 9, 11, and 13) ---------- $ 130.00

See other side

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15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date June 14, 1972 If no, state reason

16. What Police Precinct was notified? Eng. Co. 230 Date June 14, 1972 Time 12:35 PM

17. Did Police visit the school? Yes- Fire Marshall

Officer's name Lt. Tooey- Eng. Co. 230 Fire Marshall Eng & Water Date June 14, 1972 Time 12:40 PM
June 22, 1972 10 AM

18. What action was taken by Police? Investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. Request for more hall patrols.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

John L. McConnell 6/23/72

Custodian Engineer
Custodian

Date

Approved
Date 6/23/72

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Boro Supervisor of Custodians

881-PO 4-20M-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

FIRE

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 14

1. School J.H.S. 33 Borough Brooklyn
2. Date of occurence June 21, 1972 Time ____ AM 12:50 PM
3. Was building open at the time? Yes If yes, what activity or activities were in progress?
   Regular school in session.
4. Means of entry, (if building unlawfully entered)
5. In the case of unlawful entry, who secured building to such entry? When?
   Name ____ Date ____ Time ____
6. Who discovered unlawful entry, or act of vandalism? When?
   Name ____ Date ____ Time ____
7. Itemize Board of Education or other property missing? (Specify whose property)
8. Estimated value of Board of Education property missing ---------- $ ____
9. " " " Other than Board of Education property mission------ $ ____
10. Location and extent of damage Fire in Rm. 320 and Rm. 424
    Rm. 320 - Closets, walls and floors burned.
    Rm. 424 - Closet burned.
11. Estimated cost of repairs to be made by Board of Education ---------- $ 3000.00
12. Describe damage repaired by custodial force Mopped up water and cleaned up debris.
13. Estimated cost of labor and materials furnished by Custodian ---------- $ 50.00
14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 3050.00

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15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date June 21, 1972 If no, state reason

16. What Police Precinct was notified? FireDept. Patt. 34 Date June 21, 1972 Time 12:50 PM

17. Did Police visit the school? Fire Dept. visited school

Officer's name Fire Chief Dayon 34th Patt. 12:55 PM June 21, 1972
Fire Marshall King & Waterbde June 22, 1972 Time 10 AM

18. What action was taken by Police? Investigating

19. State what action you are taking and give your suggestions for preventing recurrence. Request more hall patrols.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

John J. O'Connell 6/26/72
Custodian Engineer
Custodian
Date

Approved
Date 6/26/72

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

481-PO 4-20M-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

FIRE

Report on Unlawful Entry ☐ Vandalism ☒ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 14

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence June 23, 1972 Time 10:40 AM _____ PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school in session.

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?

Name _____ Date _____ Time _____

6. Who discovered unlawful entry, or act of vandalism? When?

Name _____ Date _____ Time _____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $ _____

9. " " " Other than Board of Education property mission------ $ _____

10. Location and extent of damage Fire in teacher's desk in Rm. 329.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 150.00

12. Describe damage repaired by custodial force Cleaned up water and debris.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 5.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- $ 155.00

-014-

Yes

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date June 23, 1972 If no, state reason

16. What Police Precinct was notified? Eng. Co. 230 Date June 23, 1972 Time 10:50 AM

17. Did Police visit the school? Yes

Officer's name Fire Lt. Tracy Date June 23, 1972 Time 11:00 AM

18. What action was taken by Police? Investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. Request more hall patrols.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

John J. Connelly 6/26/72

Custodian Engineer / Custodian — Date

Approved
Date 6/26/72

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Boro Supervisor of Custodians

881-P04-30M-2/72

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry X ☐ Vandalism X ☐ (Check one or both)

Note: All questions must be answered; incomplete sheets will be returned.

Dist. Number 34

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence October 2, 1972 Time 5 AM PM

3. Was building open at the time? No If yes, what activity or activities were in progress?

4. Means of entry, (if building unlawfully entered) Broke through door glass at Floyd St. entrance.

5. In the case of unlawful entry, who secured building to such entry? When?

Name Jose Roldan Date October 3/72 Time 6 A.M.

6. Who discovered unlawful entry, or act of vandalism? When?

Name Jose Roldan Date October 3/72 Time 6 A.M.

7. Itemize Board of Education or other property missing? (Specify whose propert)

8. Estimated value of Board of Education property missing ---------- $

9. " " " Other than Board of Education property mission------ $

10. Location and extent of damage Broken door glass at Floyd St. entrance and General Office. Paper file destroyed 114 Sq. Ft. of floor tile in General Office.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 350.00

12. Describe damage repaired by custodial force Backed up windows. Cleaned up debris.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 25.00

14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 375.00

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date October 2, 1972 If no, state reason _____

16. What Police Precinct was notified? 90 Pct. Date October 2 Time 6:30 AM

17. Did Police visit the school? Yes

Officer's name Ptl. Schuppert Date October 2 Time 7 AM

18. What action was taken by Police? Investigating

19. State what action you are taking and give your suggestions for preventing recurrence. Remove glass from exterior doors and replace with steel.

20. Is an intrusion alarm installed? Yes Is a Police Alarm Transmitter installed? Yes

21. Did Police respond to Alarm? No

Custodian Engineer
Custodian

Date 10/3/72

Approved
Date 10/3/72

Principal

Recommendation of Asst. Supervisor _____

Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

Boro. Supervisor of Custodians

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☐ FIRE (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 24

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence November 10, 1972 Time 23 AM PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school in session.

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?

Name Date Time

6. Who discovered unlawful entry, or act of vandalism? When?

Name Date Time

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $ none

9. " " " Other than Board of Education property mission------ $

10. Location and extent of damage Burned bulletin board on 4th floor corridor near Rm. 420. Still alarm.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 100.00

12. Describe damage repaired by custodial force Extinguished fire, cleaned up debris, and recharged extinguishers.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 10.00

14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 110.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date 11/10/72 If no, state reason _____

16. What Police Precinct was notified? 90th- Engs. Co. 230 Date 11/10/72 Time 11:05 A.M.

17. Did Police visit the school? Yes
STILL ALARM - Lt. Mc Green Eng. 230
Officer's name Lieut. McGeen Date 11/10/72 Time 11:30 A.M.

18. What action was taken by Police? Investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. _____

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

_____ 11/13/72
Custodian Engineer / Custodian — Date

Approved
Date 11/13/72

_____
Principal

Recommendation of Asst. Supervisor _____

_____
Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____
Boro Supervisor of Custodians

461-PO 4-20M-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☒ FIRE (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 21

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence January 30, 1973 Time ____ AM 2:00 PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school session

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?

Name ____ Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?

Name ____ Date ____ Time ____

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $ ____

9. " " " Other than Board of Education property mission------- $ ____

10. Location and extent of damage Burned out back cabinet in Rm. 103

11. Estimated cost of repairs to be made by Board of Education ---------- $ 250.00

12. Describe damage repaired by custodial force Cleaned up water and debris

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 25.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- $ 275.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date January 30, 1973 If no, state reason _____

16. What Police Precinct was notified? Eng. Co. 230 Date January 30/73 Time 2:05 PM

17. Did Police visit the school? Fire Dept. visited school (Still Alarm)

Officer's name Lt. Holly Date January 30/73 Time 2:10 PM

18. What action was taken by Police? _____

19. State what action you are taking and give your suggestions for preventing recurrence. Contract has been written to install plastic over classroom doors glass, to prevent students from breaking into rooms.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

[signature]
Custodian Engineer
Custodian

January 3[illegible]
Date

Approved
Date 1/31/73

[signature]
Principal

Recommendation of Asst. Supervisor _____

_____
Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____
Borou Supervisor of Custodians

481-PO 4-20M-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATIO

134

FIRE

Report on Unlawful Entry ☐ Vandalism ☑ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 34

1. School J.H.S. 33 Borough Brooklyn
2. Date of occurence February 27, 1973 Time 9 AM ____ PM
3. Was building open at the time? Yes If yes, what activity or activities were in progress? Regular school session
4. Means of entry, (if building unlawfully entered) ____
5. In the case of unlawful entry, who secured building to such entry? When?
   Name ____ Date ____ Time ____
6. Who discovered unlawful entry, or act of vandalism? When?
   Name ____ Date ____ Time ____
7. Itemize Board of Education or other property missing? (Specify whose property)
8. Estimated value of Board of Education property missing ---------- $ ____
9. " " " Other than Board of Education property mission------ $ ____
10. Location and extent of damage Room 323-burned book cabinet, teachers wardrobe closet, asphalt tile flooring, flourescent fixtures, paint entire room, 10 broken windows.
11. Estimated cost of repairs to be made by Board of Education ---------- $ 3000.00
12. Describe damage repaired by custodial force Cleaned up water and debris.
13. Estimated cost of labor and materials furnished by Custodian ---------- $ 50.00
14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 3050.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date February 27, 1973 If no, state reason

16. What Police Precinct was notified? Fire Dept. Eng. Co. 230 Date 2/27/73 Time 9:00 A.M.

17. Did Police visit the school? Yes - Fire Dept.

Officer's name Lt. Condon - Eng. Co. 230 Date 2/27/73 Time 9:05 A.M.

18. What action was taken by Police? Fire Marshal investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. None

supervision of corridors needed.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

[signature] 3/2/73
Custodian Engineer / Custodian — Date

Approved
Date 3/2/73

[signature]
Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Boro Supervisor of Custodians

891-PO A-2011-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report or Unlawful Entry ☐ Vandalism ☑ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 75

1. School J.H.S. 33 Borough Brooklyn
2. Date of occurence February 27, 1973 Time ____ AM 3:00 PM
3. Was building open at the time? Yes If yes, what activity or activities were in progress?
   Regular school session.
4. Means of entry, (if building unlawfully entered) ____
5. In the case of unlawful entry, who secured building to such entry? When?
   Name ____ Date ____ Time ____
6. Who discovered unlawful entry, or act of vandalism? When?
   Name ____ Date ____ Time ____
7. Itemize Board of Education or other property missing? (Specify whose property)
8. Estimated value of Board of Education property missing ----------$ ____
9. " " " Other than Board of Education property mission------$ ____
10. Location and extent of damage ~~Fire in storeroom 207 burned~~ books and papers, charred walls and ceiling, replace. sprinkler head.
11. Estimated cost of repairs to be made by Board of Education ----------$ 200.00
12. Describe damage repaired by custodial force ~~Cleaned up water and debris.~~
13. Estimated cost of labor and materials furnished by Custodian ----------$ 50.00
14. Total estimated cost because of unlawful entry and/or vandalism
    (Total items 8, 9, 11, and 13) ----------$ 250.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date February 27, 1973 no, state reason _____

16. What Police Precinct was notified? [illegible] Date [illegible] Time [illegible]

17. Did Police visit the school? Yes - Fire Dept.

Officer's name Fire Lt. Gordon Date 2/27/73 Time 1:05 PM

18. What action was taken by Police? Fire Marshal investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. None

supervision of corridors needed.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

[signature] 3/2/73

Custodian Engineer
Custodian — Date

Approved
Date 3/2/73

[signature]

Principal

Recommendation of Asst. Supervisor _____

_____

Dist. Supervisor

Disposition by Regional Supervisor _____

Date _____

_____

Borou Supervisor of Custodians

461-PO 4-20M-12/70

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☐ FIRE (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 11

1. School J.H.S. 33 Borough Brooklyn
2. Date of occurence March 30, 1973 Time 10:50 AM ____ PM
3. Was building open at the time? Yes If yes, what activity or activities were in progress? Regular school session.
4. Means of entry, (if building unlawfully entered) ____
5. In the case of unlawful entry, who secured building to such entry? When?
   Name ____ Date ____ Time ____
6. Who discovered unlawful entry, or act of vandalism? When?
   Name ____ Date ____ Time ____
7. Itemize Board of Education or other property missing? (Specify whose property) ____
8. Estimated value of Board of Education property missing ---------- $ ____
9. " " " Other than Board of Education property mission------ $ ____
10. Location and extent of damage Fire in locker in boys' locker room - charred lockers.
11. Estimated cost of repairs to be made by Board of Education ---------- $ 50.00
12. Describe damage repaired by custodial force Extinguished fire with S & A extinguisher - cleaned up debris.
13. Estimated cost of labor and materials furnished by Custodian ---------- $ 25.00
14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 75.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date March 30, 1973 If no, state reason

16. What Police Precinct was notified? FireDept.Eng.Co. 230 Date March 30, 1973 Time 10:50 AM

17. Did Police visit the school? Yes - Fire Dept.

Officer's name Lt. Brown Date 3/30/73 Time 10:53 AM

18. What action was taken by Police? Fire Marshall investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. None

supervision of corridors needed.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

John J. O'Connell — Custodian Engineer / Custodian — 4/2/73 Date

Approved
Date 4/2/73

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

481-PO 4-20M-12/70 BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATIC

FIRE

Report on Unlawful Entry ☐ Vandalism ☑ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 24

1. School J.H.S. 33 Borough Brooklyn

2. Date of occurence April 2, 1973 Time 9:45 AM PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular school session.

4. Means of entry, (if building unlawfully entered)

5. In the case of unlawful entry, who secured building to such entry? When?

Name Date Time

6. Who discovered unlawful entry, or act of vandalism? When?

Name Date Time

7. Itemize Board of Education or other property missing? (Specify whose property)

8. Estimated value of Board of Education property missing ---------- $

9. " " " Other than Board of Education property mission------- $

10. Location and extent of damage Fire in teachers closet in Room 424 - charred closet.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 200.00

12. Describe damage repaired by custodial force Extinguished fire & cleaned up debris and water.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 25.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- $ 225.00

See other side

-879-

15 Was Borough Office notified prior to submission of this report? Yes

If yes, state date April 2, 1973 If no, state reason

16. What Police Precinct was notified? FireDept.Eng.Co. 230 Date 4/2/73 Time 9:50 AM

17. Did Police visit the school? Yes - Fire Dept. - Still Alarm

Officer's name Lt. Condor Date 4/2/73 Time 9:55 AM

18. What action was taken by Police? Fire Marshall investigating.

19. State what action you are taking and give your suggestions for preventing recurrence. None

supervision of corridors needed.

20. Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

21. Did Police respond to Alarm? _____

John O. [illegible] April 3, 1973

Custodian Engineer
Custodian

Date

Approved
Date April 3, 1973

[signature]

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

PO 4. 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

134

BUREAU OF PLANT OPERATION

BOMB SCARE & FIRE

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name R. Cremega

1. School I. S. 19 Borough Brooklyn
2. Date of occurence 2/19/71 Time ____ AM 2:15 PM
3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Regular day school, Community Supts' Office

4. Means of entry, (if building unlawfully entered) N/A

5. In the case of unlawful entry, who secured building to such entry? When?

Name N/A Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?

Name A. Horowitz, Sch. Secty. Date 2/19/71 Time 2:15 PM

7. ~~Itemize Board of Education or other property missing?~~ (Specify whose property): Description of events. ~~School received telephone bomb threat. We called Police. Sgt. Kelly, 67th Pct. & others responded. We searched building, found nothing. Evacuated building, during evacuation someone lit the bulletin board nr. 227 on fire. F. Prince, Teacher, put out fire with a 2½ gal. S. A. ext.~~

8. Estimated value of Board of Education property ~~missing~~ wasted ---------- $ ~~3/4 hr. of entire school staff + Police time~~

9. " " " Other than Board of Education property mission ------- $ ____

10. Location and extent of damage 1 charred bulletin board nr. Rm. 227, 1 2½ gal. S. A. fire ext. discharged.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 0.00

12. Describe damage repaired by custodial force Checked to make sure fire was out, cleaned up, recharged & refung fire ext.

13. Actual cost of labor and materials furnished by Custodian ---------- $ 20.00

14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 20.00+

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date March 13th 1972 If no, state reason

16. What Police Precinct was notified? 73rd 90th Pct. Date 3/13/72 Time 2:00

17. Did Police visit the school? Yes

Officer's name Date 3/13/72 Time 5:00

18. What action was taken by Police? Made out report

19. State what action you are taking and give your suggestions for preventing recurrence

Date March 15th 1972

Custodian Engineer
Custodian

Approved
Date March 15th 1972

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

PO 4. 10M-2/69

BOARD O. EDUCATION OF THE CITY OF I / YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both) Fire x

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name R. Czernecka

1. School J. S. 49 Borough Brooklyn
2. Date of occurence 3/2/71 Time AM 3:45 PM
3. Was building open at the time? Yes If yes, what activity or activities were in progress?
   Community Supt's Offices, Basketball, Var. remedial programs.
4. Means of entry, (if building unlawfully entered) N. A.
5. In the case of unlawful entry, who secured building to such entry? When?
   Name N. A. Date Time
6. Who discovered unlawful entry, or part of vandalism? When?
   Name J. Miller Date 3/2/71 Time 3:45 PM
7. Itemize Board of Education or other property missing? (Specify whose property)
   N. A.
8. Estimated value of Board of Education property missing ---------- $ 0.00
9. " " " Other than Board of Education property mission------- $ 0.00
10. Location and extent of damage Rm. 354 wardrobe set on fire after spreading kerosene on floor & 1 pr. sneakers.
11. Estimated cost of repairs to be made by Board of Education ---------- $ 0.00
12. Describe damage repaired by custodial force Fire noticed by J. Miller very shortly after it was started. Put out by him using 1-2½ gal. Soda Acid Fire Extinguisher.
13. Estimated cost of labor and materials furnished by Custodian ---------- $ 5.00
14. Total estimated cost because of unlawful entry and/or vandalism
    (Total items 8, 9, 11, and 13) ---------- $ 5.00

See other side

PO 4. 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name [illegible]

1. School [illegible] Borough [illegible]

2. Date of occurence [illegible] Time [illegible] AM ____ PM

3. Was building open at the time? [illegible] If yes, what activity or activities were in progress?

4. Means of entry, (if building unlawfully entered) [illegible]

5. In the case of unlawful entry, who secured building to such entry? When?

Name [illegible] Date 3/19/72 Time 12:30 P.M.

6. Who discovered unlawful entry, or act of vandalism? When?

Name [illegible] Date 3/19/72 Time 1:50 P.M.

7. Itemize Board of Education or other property missing? (Specify whose property)

(1) Olivetti electric typewriter Board of Ed. 667620

(1) Bendex 4 03 Mit. Mdp projector Board of Ed. 05.00

8. Estimated value of Board of Education property missing ----------$ 295.00

9. " " " Other than Board of Education property mission-------$ ____

10. Location and extent of damage [illegible]

11. Estimated cost of repairs to be made by Board of Education ----------$ ____

12. Describe damage repaired by custodial force [illegible]

13. Estimated cost of labor and materials furnished by Custodian ----------$ [illegible]

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- ----$ [illegible]

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date 11/10/71 If no, state reason

16. What Police Precinct was notified? F. D. alarm by R. Kaufman, AP Date 11/10/71 Time 10:16 AM

17. Did Police visit the school? F. D. responded.

Officer's name Batt. Chief Reynolds Date 11/10/71 Time Approx. 10:50 AM

18. What action was taken by Police? F. D. checked fire locations to make sure fires were out. Fire Marshal to visit.

19. State what action you are taking and give your suggestions for preventing recurrence Action: Not too much I can do to prevent arson during the day. Suggestions: Pressure H20 ext. would lessen damage.

Date 11/10/71

Custodian Engineer
Custodian

Approved ✓
Date 11-4-71

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

FO 4. 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both) Fire (x)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name R. Czernega

1. School I. S. 49 Borough Brooklyn

2. Date of occurence 11/10/71 Time 10:46 AM _____ PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Day School, Narcotics Office

4. Means of entry, (if building unlawfully entered) N. A.

5. In the case of unlawful entry, who secured building to such entry? When?

Name N. A. Date _____ Time _____

6. Who discovered unlawful entry, or act of vandalism? When?

Name P. Forgione, Tchr. Date 11/10/71 Time 10:46 AM

7. Itemize Board of Education or other property missing? (Specify whose property)

None

Description: Fires set in 337 & 206. 337 fire extinguished by W. Fischofer, C. E., 206 fire extinguished by H. Byrd, Fireman & E. Prince, Teacher.

8. Estimated value of Board of Education property missing ---------- $ 0.00

9. " " " Other than Board of Education property mission------- $ 0.00

10. Location and extent of damage Rm. 206: Paper closet contents set on fire & destroyed, closet scorched & charred. Rm. 337: Anteroom bulletin board set on fire & destroyed.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 150.00

12. Describe damage repaired by custodial force Cleaned up. Recharged 3 2½ gal. S. A. fire ext.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 20.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- $ 170.00+ cost of [illegible] run & lost time for [illegible] school.

See other side

Was Borough Office notified prior to submission of this report? Yes

If yes, state date 11/10/71 If no, state reason

What Police Precinct was notified? F. D. alarm by P. Kaufman, AP Date 11/10/71 Time 11:25 AM

Did Police visit the school? F. D. finished extinguishing fire, ventilated room.

Officer's name Batt. Chief Reynolds Date 11/10/71 Time 11:25 AM

What action was taken by Police? F. D. finished extinguishing fire, ventilated room. Lt. Marshall Ed Shop visited 3:30 PM, gave him name of suspect.

State what action you are taking and give your suggestions for preventing recurrence. Action: Rm 351 locked up & not in use until Shop Carpenters install new lock: Shop. Suggestion: Speeding up lock repairs could have prevented this fire, repair requested 9/17/71.

Is an intrusion alarm installed? Is a Police Alarm Transmitter installed?

Did Police respond to Alarm?

Custodian Engineer / Custodian — Date 11/10/71

Approved Date 11-11-71

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Recommendation by Regional Supervisor

Date

Boro Supervisor of Custodians

PO 4. 10M-2/69

BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both) Fire x

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name R. Cearney

1. School I. S. 19 Borough Brooklyn

2. Date of occurence 6/21/71 Time 10:0 AM PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Day School

4. Means of entry, (if building unlawfully entered) U. A.

5. In the case of unlawful entry, who secured building to such entry? When?

Name U. A. Date Time

6. Who discovered unlawful entry, or act of vandalism. When?

Name Mr. Bagle, Teacher Date 6/24/71 Time 11:40 AM

7. Itemize Board of Education or other property missing? (Specify whose property)

U. A.

8. Estimated value of Board of Education property missing ----------$ 0.00

9. " " " Other than Board of Education property mission-------$ 0.00

10. Location and extent of damage Stair #5, 1st fl.: 1 pc. ceramic wall tile broken out, paper jamed under staircase & set on fire.

11. Estimated cost of repairs to be made by Board of Education ----------$ 0.00

12. Describe damage repaired by custodial force Cleaned up. Removed up 1 lb. Replaced glass in F D box in school. Recharged 2 C O 2 fire ext.

13. Estimated cost of labor and materials furnished by Custodian ----------$ 15.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- ---$ 15.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date 3/11/71 If no, state reason

16. What Police Precinct was notified? Telephoned Fire Dept. Pulled ext. alarm Date 3/11/71 Time 2:40 PM 3:00 PM

17. Did Police visit the school? Fire Dept. responded.

Officer's name Batt Chief Sowinski, 60 Batt. Fire Marshal J. Regan #81 Date 3/11/71 3/12/71 Time 3:00 PM 11:30AM-2:30PM

18. What action was taken by Police? Fire Marshal found out student who lit last fire (Ea. 107 wardrobe). We got the fire out too fast; no charring of building; can't make an arson charge stick. Name turned over to Dean for action.

19. State what action you are taking and give your suggestions for preventing recurrence Action: Removed all bulletin board material as per Principal's orders. Suggestions: Think we should have a daily frisk of all "students" for weapons.

Date 3/15/71

M.C. Custodian

Custodian Engineer
Custodian

Approved Date 3/15/71

Frank D Regan

Principal in charge

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Borou Supervisor of Custodians

PO 4. 10M-2/69

BOARD O' EDUCATION OF THE CITY OF ! ' YORK

BUREAU OF PLANT OPERATION

134

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both) Fire X

Note: All questions must be answered; incomplete reports will be returned.

Dist. Supervisor's Name R. Czernega

1. School I. S. 49 Borough Brooklyn

2. Date of occurence 3/9/71 Time _____ AM 3:45 PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Dist. Supt's. Offices, Gym programs, Remedial programs, Play rehearsal.

4. Means of entry, (if building unlawfully entered) N. A.

5. In the case of unlawful entry, who secured building to such entry? When?

Name N. A. Date _____ Time _____

6. Who discovered unlawful entry, or act of vandalism? When?

Name Miss Arnet, teacher Mr. Belolan, teacher Date 3/9/71 3/9/71 Time 3:30 PM 3:45 PM

7. Itemize Board of Education or other property missing? (Specify whose property)

Description of events

Miss Arnet informed me of a fire on the 2nd fl. I put out 2 burning bulletin boards using 1 2½ gal. S. A. ext. Mr. Belolan, teacher, put out burning paper fire in Rm. 325 desk and at side of upright piano, then informed me.

8. Estimated value of Board of Education property missing ---------- $ 0.00

9. " " " Other than Board of Education property mission------- $ 0.00

10. Location and extent of damage 2 bulletin boards nr. Rm. 227 charred, Rm. 325 upright piano charred r right hand side. Rm. 325 teacher's desk charred. Papers of unknown value destroyed. Rm. 325 rear door broken open.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 100.00

12. Describe damage repaired by custodial force Cleaned up, reserved Rm. 325 rear door. Recharged 2 S. A. fire ext. Repl. broken light globe in Rm. 325

13. Estimated cost of labor and materials furnished by Custo n ---- ---------- $ 20.00

14. Total estimated cost because of unlawful entry and/or vandalism

(Total items 8, 9, 11, and 13) ---------- ---$ 120.00

See other side

481-PO 4-10M-3-67 82

BOARD OF EDUCATION OF THE CITY OF NEW YORK
BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☐ (Check one or both) Fire x

Note: All questions must be answered; incomplete reports will be returned.

Asst. Supervisor's Name [illegible]

1. School P. S. 10 Borough Brooklyn

2. Date of occurence 6/1/60 Time 12:30 AM _____ PM

3. Was building open at the time? Yes If yes, what activity or activities were in progress?

Day School.

4. Means of entry, (if building unlawfully entered) N/A

5. In the case of unlawful entry, who secured building to such entry? When?

Name N/A Date _____ Time _____

6. Who discovered unlawful entry, or act of vandalism? When?

Name N/A Date _____ Time _____

7. Itemize Board of Education or other property missing? (Specify whose property)

Damage done by fire in room of Rm. 231, existing damage. Fire put out with 1 CO gal. SA fire ext.

8. Estimated value of Board of Education property missing ---------- $ 0.00

9. " " " Other than Board of Education property missing ---------- $ 0.00

10. Location and extent of damage Damage done by fire in room of Rm. 231, no damage to room.

11. Estimated cost of repairs to be made by Board of Education ---------- $ 0.00

12. Describe damage repaired by custodial force [illegible], replaced with 1 CO gal. SA fire ext.

13. Estimated cost of labor and materials furnished by Custodian ---------- $ 5.00

14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ 5.00

See other side

15. Was Borough Office notified prior to submission of this report? Yes

If yes, state date [illegible] If no, state reason

16. What Police Precinct was notified? [illegible] Date [illegible] Time [illegible]

17. Did Police visit the school? [illegible] checked scene. Time

Officer's name Marshal to follow. Date Time

18. What action was taken by Police? [illegible]

19. State what action you are taking and give your suggestions for preventing recurrence [illegible]

Date [illegible]

Custodian Engineer
Custodian

Approved
Date 6/7/69

Principal

Recommendation of Asst. Supervisor

Dist. Supervisor

Disposition by Regional Supervisor

Date

Boro Supervisor of Custodians

481-PO 4-20M-12/70 BOARD OF EDUCATION OF THE CITY OF NEW YORK

BUREAU OF PLANT OPERATION

Report on Unlawful Entry ☐ Vandalism ☒ FIRE (Check one or both)

Note: All questions must be answered; incomplete reports will be returned.

Dist. Number 14

1. School I.S. 49 Borough Brooklyn
2. Date of occurence 3/23/72 Time ~~[illegible]~~ 7 & 8 AM ____ PM
3. Was building open at the time? YES If yes, what activity or activities were in progress?

Breakfast Program

4. Means of entry, (if building unlawfully entered) ~~Rm. 338 Book Room was entered and set~~ fire
5. In the case of unlawful entry, who secured building to such entry? When?

Name ____ Date ____ Time ____

6. Who discovered unlawful entry, or act of vandalism? When?

Name Mr. Schiff (Teacher) Date 3/23/72 Time 8:00 AM

7. Itemize Board of Education or other property ~~missing~~ DAMAGED (Specify whose property)

BOOKS ~~Board of Education~~

8. Estimated value of Board of Education property missing ---------- $ 300.00
9. " " " Other than Board of Education property mission------- $ ____
10. Location and extent of damage ~~3rd floor book room Rm. 338~~ walls and ceiling badly charred
11. Estimated cost of repairs to be made by Board of Education ---------- $ ~~350.00~~
12. Describe damage repaired by custodial force Cleaned up after ~~Fire Dept. extinguished fire.~~
13. Estimated cost of labor and materials furnished by Custodian ---------- $ ~~85.00~~
14. Total estimated cost because of unlawful entry and/or vandalism (Total items 8, 9, 11, and 13) ---------- $ ~~735.00~~ 5

See other side

Was Borough Office notified prior to submission of this report? YES

If yes, state date 3/23/72 If no, state reason _____

What Police Precinct was notified? 90th Date 3/23/72 Time [illegible]

Did Police visit the school? YES

Officer's name Ptl. Gallagher Date 3/23/72 Time 3:15 PM

What action was taken by Police? Investigation and report

State what action you are taking and give your suggestions for preventing recurrence. _____

Is an intrusion alarm installed? _____ Is a Police Alarm Transmitter installed? _____

Did Police respond to Alarm? _____

_____ _____

Custodian Engineer
Custodian

Date

Approved
Date _____ _____

Principal

Recommendation of Asst. Supervisor _____

_____

Dist. Supervisor

Recommendation by Regional Supervisor _____

Date _____ _____

Borou Supervisor of Custodians

BOARD OF EDUCATION OF THE CITY OF NEW YORK

M RK HOPKINS JUNIOR HIGI SCHOOL IS 33
(J.H.S. 33)

70 TOMPKINS AVENUE BROOKLYN, N.Y. 11206

PRINCIPAL
SYDNEY KEEVORICK

ASSISTANT PRINCIPALS
MORRIS ALPERN
DAVID FELDMESSER
HERBERT FOX
LLEWELLYN GIPSON
DOROTHY STRAKER

CHAIRMEN
MARGARET ROGART
MEYER WEISS

September 25, 1970

Mr. Ralph T. Franda
Community Superintendent
School District 14
223 Graham Avenue
Brooklyn, New York 11206

Dear Mr. Franda:

I am sorry I no longer can assume the responsibility and accountability necessary to maintain the position of Acting Principal of J.H.S. 33, because of existing conditions.

When I approached Mr. Huntley today, upon your suggestion, to see if we could work out an equitable solution while he remained in the school (since he had been transferred to J.H. 33 as a teacher), he stated that he had not received a copy of the letter you sent me, nor had he discussed the situation fully with the Local School Board. Mr. Huntley then informed me that he does not and will not recognize my appointment made by you nor will he adhere to the wishes of the Local School Board on this issue. He stated that he is his own man, an independent agent, and will not follow the dictates of any group or law.

I had waited until this date to finalize this untenable situation because each day since the receipt of the letter of appointment, I had discussed conditions with you which would need clarification before I could continue with the appointment. These conditions were to have been discussed with the Local School Board and, I assumed, by them with Mr. Huntley. In addition, since the court injunction was to have been answerable on September 24th I did not wish to exert any form of pressure before that date.

In view of the above, it is with reluctance that I must relinquish this appointment.

Sincerely yours,

Margaret S. Rogart

(Mrs.) Margaret S. Rogart
Assistant Principal, Supery. English

cc. Brother Robert F. Lally

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT 14
223 GRAHAM AVENUE
BROOKLYN, N. Y. 11206

RALPH T. BRANDE
COMMUNITY SUPERINTENDENT

EVERGREEN 7-2018

file
33

March 31, 1971

Mr. Claude Huntley, Jr., Principal
Intermediate School 33
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Mr. Huntley:

With all of the recent discussion concerning Mr. David Feldmesser, I would like to bring the following information to your attention. The official authorization of supervisory positions for I. S. 33 is indicated as five Assistant Principals and two Chairmen. As I reviewed your organization you have two regular chairmen and three regularly assigned assistant to principals. Mr. Gibbs is acting Assistant Principal Administrative Assistant and Mr. Miller is acting Assistant Principal. This completes the total number of positions alloted to you. Mr. Feldmesser is being carried at the annex on a teacher's line.

It is apparent at this time that all of your authorized positions are filled and Mr. Feldmesser is an acting Assistant Principal outside of your regular organization. Since he is working in the annex I can understand this particular situation. It would appear then that unless either Mr. Gibbs or Mr. Miller are dropped as acting Assistant Principals, there is no actual vacancy at I. S. 33.

Very truly,

Ralph T. Brande
Community Superintendent

RTB/dj

cc: Bro. Lally, Community School Board
Mr. Mingalski "
Mr. Fredericks "
Mr. Feldmesser

MARK HOPKINS INTERMEDIATE SCHOOL
(I. S. 33)
70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206

PRINCIPAL
CLAUDE L. HUNTLEY, JR.

ASSISTANT PRINCIPALS
DAVID FELDMESSER
BUENAVENTURA GIDUS
JAMES MILLER
EDNA D. OLING
MELVIN RUDOLTZ
DOROTHY STRAKER

CHAIRMEN
MARVIN POLONSKY
MARGARET ROGART

COMMUNITY SCHOOL BOARD
DISTRICT 14
JAN 13 1972
BY

January 11, 1972

Mr. Ralph T. Brande
Community Superintendent, District 14
310 South 1st Street
Brooklyn, N.Y. 11211

Dear Mr. Brande,

This is a letter in reference to my correspondence with Mr. Olszewski concerning my salary status. Mr. Olszewski stated that I am being paid on the first step of the Junior High School principals' salary schedule, i.e. $24,560 per annum. He also stated that this is in accordance with the present resolution of the Board of Education authorizing payment of acting principals.

I am enclosing copies of my original appointment. As you can see, the documents clearly state that I was appointed principal of I.S. 33, and not in an acting capacity. If these documents are to be held valid, and I deem it so, I should be paid at the second step of the Junior High School principals' schedule, i.e. $26,645 per annum, as of October 1, 1971.

It is my honest belief that cited monies should not be withheld. I am performing the services of a principal, suffering through the frustrations of denial of the salary commensurate with the job. I am effectively administering this school, supervising the professional staff and putting in an inordinate number of hours to insure that functional education is being pursued.

I further believe that action of this sort is discriminatory. Therefore I feel aggrieved with the treatment accorded me in this particular matter. I.S. 33 is in better shape now than it has been throughout the history of the school.

I have the community's total support that I be paid for my services accordingly. This is what I am requesting.

Yours truly,

Claude L. Huntley, Jr.

Claude L. Huntley, Jr.
Principal

cc: Bro. Lally
Mr. Fredericks
Mrs. A. Pratt

clh/bdc

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT 14
310 S. 1st Street
Brooklyn, N.Y. 11211

RALPH T. BRANDE
COMMUNITY SUPERINTENDENT

963-4000

file
I S 33

January 21, 1972

COMMUNITY SCHOOL BOARD
DISTRICT 14
RECEIVED
JAN 25 1972

Mr. Claude Huntley, Jr., Principal
Intermediate School 33
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Mr. Huntley:

I am sure you are fully aware of all of the events which have taken place since your appointment by the Community Board to the position of Acting Principal of I. S. 33. The law suit which the Board was involved in and subsequent actions by the Central Board of Education attest to the fact that you have been assigned in the acting capacity at 33.

I know that you strongly feel that an injustice is being perpetrated on you by the fact that you are not receiving more than the first salary step of the Junior High School Principals schedule. However this is in accordance with the rules and regulations of the Central Board of Education as they presently exist.

Very truly,

Ralph T. Brande
Community Superintendent

RTB/dj

cc: Bro. Lally
Mr. Fredericks
Mrs. Pratt

70 Tompkins Avenue
Brooklyn, N.Y. 11206
February 1, 1972

Brother Lally
310 So. First Street
Brooklyn, N.Y.

Dear Sir:

Due to the severe morale problem facing Junior High School 33 Annex, we consider it imperative to request a meeting in your presence at your earliest convenience.

Sincerely,
Arthur Brodsky
Arthur Brodsky
Chapter Chairman
I.S. 33

Ed. Schuster - U.F.T. Annex Rep.
K. Mutter
Ira Horowitz
Nick Cuoco
M. J. Kuo
Jos Gordon
T. J. Perrini
M. Beanbaum
M. Katz
Mrs. E. Bizoza
L. Steinbaum
L. Blumenfeld
C. Romano
R. Keller
R. Wachter
U. Cohen
G. Gallet

-900-

COMMUNITY SCHOOL BOARD
FEB 22 1972
by

February 17, 1972

Mr. William Rogers
Acting Community Supt.
District #14
310 South 1st Street
Brooklyn, New York 11211

Dear Sir:

This correspondence is in reference to our conversation of Feb. 16, 1972 pertaining to the HECKSTALL CASE.

The following is an accurate account of the cited case:

On November 22, 1971, John Heckstall, (Adjustment Class 8-23) along with 4 other boys were caught cutting classes in our school gymnasium. Cited boys were playing basketball. To hide their activity, they turned on the steam full force in the shower room. Cited steam endangered the lives of other pupils, and the entire school. Mr. Robert Katz turned off steam, running the risk of being burned. They were caught red-handed by Mr. Daniel Katz, 8th year dean; Mr. Robert Katz, Girls 8th year Adjustment Class Teacher; Mr. George Young, Boys Adjustment Class Teacher, and I. Cited boys ran out of gym, when cornered, into the corridor facing the auditorium. They were stopped there by Mr. Young and reprimanded for their actions. They were also restrained from running out of the building. As far as I know, cited boys weren't assaulted nor brutalized. They were sent home at once and suspended (Note: Our school rule is that any pupils caught without a pass, cutting class, found in the corridors illegally, or roaming the corridors without permission will be sent home immediately. They cannot return until a parent accompanies them back to school.)

On Jan. 26, 1972, I had a conference with Mr. Heckstall pertaining to cited incident. He stated that his son, John, told him that Mr. Young inflicted bruises on his son. However, Mr. Young informed me that if John had bruises, he must have gotten them after school. According to Mr. Young, the boy couldn't have had bruises in his ribs and buttocks as a result of his reprimand. Moreover, Mr. Heckstall, at cited conference, stated that he didn't want anymore of the alleged force against his son. He left with the understanding that I would confer with cited teacher about this matter.

On Jan. 28, 1972, Mrs. Heckstall had a conference with me pertaining to John's behavior in Mr. Young's class. She and I agreed that perhaps John should be transferred to another class, because he passed all of his mid-term examinations. Cited transfer will be consumated by Friday, Feb. 18, 1972. After a 1½ hour conference with Mrs. Heckstall, we resolved the problem - at least I thought we had resolved the problem because Mrs. Heckstall left contented after having the details pertaining to the Special Class Program. Therefore, I was surprised when Mr. Heckstall came to my school with a Summons for Mr. Young last week. I informed him that it could not be served in the school; it would have to be served outside the school. He left the office visibly angered by my cited refusal.

BECKSTALL CASE

Mr. Beckstall came back after 3:00 P.M. to inquire about Mr. Young's schedule. He was informed that cited teacher leaves early because he is one of my Programmers and has early morning coverage. He must be so compensated according to Union Contract. I tried to demonstrate with cited parent about the whole situation, but to no avail. I also told him that Mrs. Beckstall had left contented and said that this matter had been resolved. (e.g.) Ray's transfer to another class had solved the problem.

On Tuesday, Feb. 15, 1972 at 1:25 P.M., Mr. Beckstall came with two patrolmen from the 90th Precinct, to my office, pertaining to the summons. I called District Headquarters and asked for you for a ruling in this case. You weren't available. I was informed by Mr. John Tomaro, Administrative Assistant, that he would check with Board of Education Counsel. This he did and informed me that the Summons could be served in my private office.' Teacher could be called to my office and cited document could be served. In the meantime, Mr. Beckstall became frantic and stated, "give me the Summons, the teacher is leaving now." He snatched cited document and dashed out of the door. I learned later that it was served somewhere in the street.

Please be advised that conclusions shouldn't be solidified because of Mr. Beckstall's accusations. It is my opinion that the entire matter is being blown up out of all proportions. He son's teacher, in the Adjustment Class, is very effective with this group of boys. He has served as a father-figure for John and eleven of the other boys in his class. Mr. Young has been and still is a driving force for self identity for our troubled youths. He has gone over and above the call of duty on behalf of our Black and Puerto Rican youths of our school. Therefore, I feel that Mr. Young is being harassed.

Suggestion: This was done before I received instructions from your Headquarters, especially in this specific case.

He has been doing his duty as a dedicated black teacher and he has established good rapport with all of his students in the Adjustment Class. Many of the boys that he has helped are in high school now. They flock back to visit and thank him for his assistance while they were students at I.S. 33. It is very frustrating for a teacher to give his full measure of devotion to a just cause and be "cut down" on a fabricated charge of "assault on a child" from a disgruntled parent, disturbed because of the suspension of his child. Cited teacher is a community worker in Williamsburg and Bedford-Stuyvesant, all in behalf of the youths of our town.

HECKSTALL CASE

The above account is a true picture of the situation at this time. I hope that I have given you a better comprehension of this specific incident. If there's further need for clarification, kindly call us at my school.

Yours truly,

Claude L. Huntley, Jr.

CLH:lm

Claude L. Huntley, Jr.
Principal

BOARD OF EDUCATION
CITY OF NEW YORK
Office of School District Fourteen
310 South First Street
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
Acting Community Superintendent

September 13, 1972

Mr. Claude Huntley, Principal (Acting)
I.S. 33
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Claude:

As you know, the past school year witnessed a series of fires and untoward incidents at I.S. 33. It is my fervent hope that we will see this situation arrested and that the administration will give primary attention to the safety of children, teachers and para-professionals within the building.

We have entered a new era in the educational process in New York City, and as never before, the community is requesting that all school personnel must and should offer an atmosphere free of fear and confusion.

I can assure you that I will work with you hand in hand to improve the situation at I.S. 33 so that we may realize this most important aim.

Sincerely yours,

William A. Rogers

William A. Rogers
Community Superintendent

WAR:EL

MARK HOPKINS INTERMEDIATE SCHOOL 433
70 Tompkins Avenue, Brooklyn, N.Y. 11206
Claude L. Huntley, Principal

March 6, 1973

Dear Parents:

This is a letter informing you of the EMERGENCY SITUATION occurring in our school. We have had the following incidents:

1. Too many false fire alarms
2. Too many fires in various sections of our school.
3. Too many children roaming the halls.
4. Too many fights in school and after school, especiall among girls.
5. Some teachers failing to do their jobs in the classrooms.
6. Too much disrespect for authority by the students.
7. Constant use of vile, obscene and profane language by the students.

With the above in mind, I am asking for your help in improving these conditions. I need Parent Volunteers in the school immediately. You are needed to help insure the security and safety of the students (your children). You are also needed to help patrol the corridors on all floors, visit classes to observe the teachers performing in the classroom, door patrol, and basement duty.

Your assistance and cooperation is in demand now. I urge you to come in and help to make sure that your children will get "quality education." You can no longer depend on the old axiom "let George do it." You must act now because tomorrow may be too late. There may not be a tomorrow for them. Their tomorrow is today. If they don't get an education now, they will be lost for the future.

AGAIN I URGE YOU TO COME INTO THE SCHOOL AND HELP.

Very truly yours,

Claude L. Huntley

CLH:lm

Claude L. Huntley, Jr.
Principal

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

COMMUNITY SCHOOL BOARD 963-4000

RECEIVED
MAR
BY

March 20, 19

Mr. Claude Huntley, Principal
I.S. 33
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Mr. Huntley:

On Friday, March 2nd, you and I had a conference at my office to discuss the situation at I.S. 33. That situation being that a general level of disorder existed at the school and the fact that two fires had been set in the building earlier in the week.

During the course of our conversation, you returned continually to a theme that you have stated many times previously; that is, that there exists a conspiracy on the part of a group of teachers to discredit you and to "get Huntley".

You asserted that you felt that you had been doing a good job and that no blame for the situation could be attributed to your leadership. You then asked me for suggestions as to how to correct the situation. I pointed out to you that your attitude left me little room to offer alternatives to the current situation and that you should rethink your position and that a spirit of trust and cooperation were needed to overcome the serious split between you and the members of your staff.

I indicated to you that I have already made provisions in the assignment of additional personnel and that there seemed to be little or no improvement in the general tenor of the school. I did indicate to you that I would be willing to meet with you after the weekend, and I was hopeful that you would be willing to relax your inflexible attitude on this entire matter before the situation became completely out of hand.

Your response to this meeting was to write a letter dated March 3rd, mailed March 7th and received in my office March 9th. In this letter you chose to attack me and you asserted that I was part of a racist plot to destroy your career. In this letter, you continue to maintain that you are entirely blameless for the situation that exists at your school. I would like to make it very clear that in both instances, nothing could be further from the truth, and it is my opinion that your letter is an unprofessional attempt to shift the blame for the situation at your school from your shoulders to mine.

I am now taking the opportunity to set the record straight, and to clarify misstatements of facts that appear in your diatribe. As you very well know, the situation at I.S. 33 has been in a state of deterioration long

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

LIAM A. ROGERS
MMUNITY SUPERINTENDENT

963-4800

before I assumed the role of Community Superintendent. Your school has been beset by a general state of chaos and the latest incidents of fire are only a sad addendum to a sorry state of affairs. You and I both know, better than anyone else, that I have met with you on numerous occasions where I have offered my assistance and advice but where you have always resorted to the same charges of conspiracy and racism and have refused to shoulder the responsibility for the conditions that prevail at your school.

In your letter you complained that I have denigrated your position and have refused to back you in grievance procedings brought to my attention. I would like to remind you that I have stated to you time and time again that you must be able to document your position and that I can not rule in your favor in violation of contractual agreements.

I would also like to bring to your attention your letter to the parents of March 6, 1973 where you state that an emergency situation is a fact at your school. In this letter, you cite many of the same points that I have raised to you repeatedly. I think the evidence is incontrovertible that your school has reached a point where the safety of the children, teachers and other personnel is open to question. I think by your own hand you have refuted your assertion that you have done a good job for the past three years.

In closing, I would like to remind you that there is no need for you to engage in the type of unprofessional charges and remarks that appear in this letter. Mr. Huntley, the entire tone of your letter is strident and hysterical. You have chosen to raise the banner of racism against me and charge that I am harrassing you and threatening your career because of the color of your skin. This is nothing but rhetoric of the worst sort and an insult to the intelligence of all people concerned. I, as the Superintendent of this district request that you once again reconsider your position and tone and make the effort that is needed to achieve quality education for the children of I.S. 33.

Very truly yours,

William A. Rogers
Community Superintendent
DISTRICT 14

cc: Dr. Seymour Lachman, Central Board of Ed.
District 14 LCSB Members
Mrs. Ada Pratt, P.S.A. President
Mr. Ponce Hatch, P.T.A. Bus. Mgr.
Mrs. Mae Miller, Tompkins Ave. Tenants Council
Mr. Howard Walker, Marcy Ave. Tenants Council
Mrs. Mildred Tudy, Crispus Attucks C.E.C.
Mrs. Martha Bailey, Community W[illegible]er, Boys High School

BOARD OF EDUCATION OF THE CITY OF NEW YORK
MARK HOPKINS INTERMEDIATE SCHOOL
(I. S. 33)
70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206
TELEPHONE 622-6505

PRINCIPAL
CLAUDE L. HUNTLEY, JR.

ASSISTANT PRINCIPAL
DAVID FELDMAN
BUENAVENTURA GIL
JAMES HILLIS
EDNA B. OLIVER
MELVIN RUDOLITZ
DOROTHY STRAKER

CHAIRMEN
MARVIN BOLOTSKY
MARGARET DOCARY

file

April 19, 1972

Mr. William A. Rogers
Acting Community Superintendent
District 14
310 So. 1st Street
Brooklyn, N.Y. 11211

Dear Sir,

This is a letter pertaining to the recent grievance ruling resulting from the grievance hearing of March 15, 1972. Article IVA, Item 2(c), "Except for the minimum number of teachers necessary to supervise school aides and to protect pupil health and safety, teacher will be relieved of cafeteria patrol, etc..."

Please be advised that I am in complete disagreement with cited decision, because I strongly feel that the principal is the one who determines the minimum number of teachers necessary in this particular situation, and he does not have to include the Chapter Chairman in arriving at this decision. Therefore, I feel that I am not violating the terms of the union contract by assigning teachers accordingly.

Moreover, the lunchroom is the most volatile area of all in Intermediate, Junior High and High Schools, and the need for professional supervision is of the utmost importance. Teachers are not being given any extra duty in this sense, and there is no actual increase in assignment in my cafeteria. It is

BOARD OF EDUCATION OF THE CITY OF NEW YORK
I. RK HOPKINS INTERMEDIATE SCHOOL
(I. S. 33)
70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206
TELEPHONE 7[illegible]
PRINCIPAL
CLAUDE L. HUNTLEY, JR.
ASSISTANT PRINCIPALS
DAVID [illegible]
BUENAVENTURA [illegible]
JAMES MILLER
EDNA D. OLINS
MELVIN [illegible]
DOROTHY [illegible]
CHAIRMEN
MARVIN [illegible]
MARGARET [illegible]

To: Mr. Rogers

my professional responsibility that the lunchroom situation remains under control at all times for the protection of pupil health and safety.

I am in complete disagreement also with the hearing officer when he states, "Since the principal shows no reasonably apparent need for increased teacher assignment, the grievants are upheld and the principal is directed to restore the cafeteria patrols to a level not above the previous assignments with the view to reducing teacher assignments even further as the school aides are reassigned to lunch period coverage from whatever other assignment they have." To me, this is stretching the contractual processes. Under no circumstance would I be able to reduce cited assignments and assign school aides to this area. I feel that this decision is an arbitrary one and I don't think it is valid. I cannot at this stage change the pattern of lunchroom assignments because of the temper of the times and the unfavorable conditions under which we are operating.

If I am to administrate effectively and efficiently I cannot have my hands tied by such an unfavorable decision as this one. I shall not be forced into "a corner" over this issue. I feel I am doing a reasonably good job and I have the community backing on this particular issue.

I sincerely hope that your office will take

BOARD OF EDUCATION OF THE CITY OF NEW YORK
MARK HOPKINS INTERMEDIATE SCHOOL
(I. S. 33)
70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206
TELEPHONE: 782-9

PRINCIPAL
CLAUDE L. HUNTLEY, JR.

ASSISTANT PRINCIPALS
DAVID FELDMESSER
BUENAVENTURA GI
JAMES MILLER
EDNA D. OLIN
MELVIN RUDOLTZ
DOROTHY STRAKER

CHAIRMEN
HARVIN POLONSKY
MARGARET ROGART

To: Mr. Rogers

this matter under consideration.

Yours truly,

Claude L. Huntley, Jr.
Principal

cc: Bro. Lally
Mr. LeRoy Fredericks
Mrs. Pratt, Pres. PTA
Mr. Rudoltz
Mr. Brodsky

clh/bdc

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

May 8, 1973

Mr. Claude Huntley, Principal
I.S. 33
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Mr. Huntley:

On Sunday, April 30th. I met with the executive board of the Parents Association of I.S. 33. During that meeting, the parents and I discussed the unstable situation that exists at I.S. 33. The parents indicated that they wish to have certain requests implemented and that they were demanding that the school be made safe, and that quality education be the aim of the professional staff.

They also requested such things as improved lighting, proper medical services, greater supervision and a bilingual class and teacher which I found to be more than reasonable and in the best interests of the children. I also indicated to them that I would meet with the staff and you in order to assist in bringing about a greater understanding and respect between administration and staff. I made it very clear to them that the constant squabbling and frequent recriminations were leaving the school in an untenable position, and that all sides had to make the effort to work together.

Since that meeting, I have met with you and the teachers and discussed many of the points raised by the parents. I have attempted to implement their requests as far as I am able to at this time, and to respect all points of view. I honestly felt that I had made progress and that a small step had been taken to achieve a level of understanding within the school.

You, in turn, have chosen to look upon this situation as a vindication of your performance and you refuse to recognise the rights and the concerns of parties to the original dispute. Specifically, I am referring to your refusal to permit teachers and parents of all persuasions to meet at the school last Thursday night. I feel that this would have been a positive step in creating an atmosphere of understanding.

You have also taken my statements to you out of context and have indicated that I have given you carte blanche in your dealings with the professional staff. During my conversation with you we spoke of mutual cooperation between staff and administration, but you have chosen to twist my words so that the implication is any teacher who does not agree with you is subject to the wrath of the superintendent.

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

Up to this time, you have yet to engage in any meaningful discussion with the teachers at I.S. 33, and you have left the door open to continued mistrust and disagreement. The word "teamwork" is easily definable but in your case, reluctantly implemented.

I wish to inform you that I will live up to the provisions of the agreement that deal with the specific improvements that directly effect the children, but I wish to make it crystal clear that until you implement the spirit of the agreement, I consider those provisions dealing with you directly null and void. I have referred this entire matter to the Community School Board and have asked them for their guidance and assistance in this situation.

Very truly yours,

William A. Rogers

William A. Rogers
Community Superintendent

WAR:EM

cc: Mrs. Pratt, Parents Association, I.S. 33
Mr. Brodsky, UFT, I.S. 33
Members of the Community School Board

MARK HOPKINS I.S. 33
70 Tompkins Ave., Brklyn, N.Y. 11206
Claude L. Huntley, Jr., Principal

SPECIAL CIRCULAR #1 May 9/73

REORGANIZATION - 1973/74

MAIN BUILDING

Mr. Huntley - Principal, in charge of overall Supervision and Administration of the entire school

Mr. R. Gibbs - Aministrative Assistant

Administrative Bulletins and Reports
Special Circulars
Weekly Calendars
Trips
Fire Drills
Accident Reports
Faculty Conference Planning (with Principal)
Building Patrols
School Guards
Foreign Language
Health Ed (Hygiene)
Dismissal Supervision

Mr. M. Polonsky - Assistant Principal in Charge 7th Grade

All Administrative and Disciplinary Functions related to Grade 7
Social Studies Department
Inventories (All Departments)
Report Cards, Section Sheets, Rollbooks (Attendance) Cumulative Records
Music
Typing
Dismissal Supervision

Mr. M. Rudoltz - Assistant Principal in Charge 6th Grade

All Administrative and Disciplinary Functions related to Grade 6
Supplies and Books
Math
Industrial Arts
Art
Dismissal Supervision

Mr. J. Steel - Acting Chairman, Language Arts

Language Arts Department
Library
Speech Classes
Testing (School-wide)
Special Reading Program
Honor Society
Dismissal Supervision

(more)

MARK HOPKINS I.S. 33

SPECIAL CIRCULAR #1

REORGANIZATION - Main Bldg. (Cont'd)

Mrs. D. Strahan - Assistant Principal in Charge of Curriculum and Instruction

Improvement of Instruction
School Wide Programs
Programming (Supervision)
General Office Staff
Para-professionals
School Aides
Guidance Department
Deans (Supervision)
Science Department
Home Economics
Supervisor of School Budget and Accounts
Building Maintenance and Repair

(more)

REORGANIZATION - 1973/74

ANNEX

Mrs. E. Oling - Assistant Principal In Charge

DEPARTMENTS
Language Arts & Library
Social Studies
Home Economics
Guidance
Music
Typing

ADMINISTRATIVE & SUPERVISORY RESPONSIBILITIES
Overall Building Supervision
Principal's Conferences
Faculty Conferences - Planning
Improvement of Instruction
Staff Relations
Correspondence - All School Matters
Building Maintenance and Repair
Supervise Programming of School
Medical Referrals
Special Assembly Programs
Articulation w/High Schools
School-wide Events
A.M. Entrance Supervision
Student Activities
Weekly Calendar
End Term Procedures
Attendance Procedures
Suspension Conferences
All Official Classes
Report Cards and Roll Books 8-1 - 8-9
Fine Arts

Mr. D. Feldmesser - Administrative Assistant Annex Bldg.

DEPARTMENTS
Mathematics
Science
Industrial Arts
Health Education
Foreign Language

ADMINISTRATIVE & SUPERVISORY RESPONSIBILITIES
School Finances
Trips - Logistics
Lunchroom Supervision
Teacher Aides
Testing Programs
Pupil Records
Emergency Drills
End Term Procedures
Dismissal Supervision
Special Assembly Programs
Attendance Procedures
Improvement of Instruction
General Office Staff
Roll Books and Report Cards 8-10 - 8-19 or 20
Supplies & Equipment Orders.

clh/bdc

Principal

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

May 8, 1973

Mr. Claude Huntley, Principal
I.S. 33
70 Tompkins Avenue
Brooklyn, New York 11206

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Since that meeting, I have met with you and the teachers and discussed many of the points raised by the parents. I have attempted to implement their requests as far as I am able to at this time, and to respect all points of view. I honestly felt that I had made progress and that a small step had been taken to achieve a level of understanding within the school.

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BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
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WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

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Very truly yours,

William A. Rogers

William A. Rogers
Community Superintendent

WAR:EM

cc: Mrs. Pratt, Parents Association, I.S. 33
Mr. Brodsky, UFT, I.S. 33
Members of the Community School Board

TELEPHONE: 782-9500

BOARD OF EDUCATION OF THE CITY OF NEW YORK

MARK HOPKINS INTERMEDIATE SCHOOL

(I. S. 33)

70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206

PRINCIPAL
CLAUDE L. HUNTLEY, JR.

ASSISTANT PRINCIPALS
DAVID FELDMESSER
BUENAVENTURA GIBBS
JAMES MILLER
EDNA D. OLING
MELVIN RUDOLTZ
DOROTHY STRAKER

CHAIRMEN
MARVIN POLONSKY
MARGARET ROGART

May 14, 1973

Mr. William A. Rogers
Community Superintendent
District 14
310 South 1st Street
Brooklyn, N.Y. 11211

Dear Mr. Rogers,

This is a letter informing you of my plans for the organization of I.S. 33. My plans are as follows:

1) Sending the 8th grade to the Annex
   a) This would eliminate bussing to cited school
   b) Cited grade will use public transportation to go to and from the Annex.

   The elimination of bussing would save the district approximately $153,600 per year.

2) Transferring the 6th grade back to the main building
   a) This would enable me to consolidate the 6th and 7th grades in the main building. I feel that this would make it better for my school organization to function effectively and efficiently.
   b) Five years is, I think, long enough for the 6th grade to remain at the Annex building.
   c) This is a move that the parents have been wanting for quite some time, because they felt that 6th graders should be attending school closer to home.

(more)

School file

TELEPHONE: 782-9500

ARD OF EDUCATION OF THE CITY OF NEW Y

MARK HOPKINS INTERMEDIATE SCHOOL

(I. S. 33)

70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206

PRINCIPAL
CLAUDE L. HUNTLEY, JR.

ASSISTANT PRINCIPALS
DAVID FELDMESSER
BUENAVENTURA GIBBS
JAMES MILLER
EDNA D. OLING
MELVIN RUDOLTZ
DOROTHY STRAKER

CHAIRMEN
MARVIN POLONSKY
MARGARET ROGART

To: Mr. W. A. Rogers

3) I am placing Mrs. Edna Oling as Assistant Principal in Charge of Grade 8 at the Annex. She will be assisted by Mr. David Feldmesser, as Administrative Assistant in the annex building.

4) I am transferring Mrs. Straker back to the Main Building, where she will be the Assistant Principal in charge of Curriculum and Instruction.

I will utilize my teachers' preference list to facilitate further staffing of my school for 1973/74. This will entail a shifting of various teaching and administrative positions in the Main Building and Annex. I do believe this type of reorganization will benefit the students specifically, and it would enhance more cooperation among members of my entire staff.

As the chief administrator of my school I am sure that the above reorganization plan will reverse the negative syndrome that has been dominating the school atmosphere. It will result in a breath of new life into the pedagogical aspects of I.S. 33. I shall do my utmost best to make sure that this plan will work with the cooperation of my pedagogical staff.

Yours truly,

Claude L. Huntley

Claude L. Huntley, Jr.
Principal

cc: Mr. Roman A. Mizgalski
Mr. LeRoy Fredericks
Mrs. Pratt, Pres. PTA

clh/bdc

BOARD OF EDUCATION
CITY OF NEW YORK
OFFICE OF SCHOOL DISTRICT FOURTEEN
310 SOUTH FIRST STREET
BROOKLYN, NEW YORK 11211

WILLIAM A. ROGERS
COMMUNITY SUPERINTENDENT

963-4800

May 16, 1973

Mr. Claude Huntley, Principal
I.S. 33
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Mr. Huntley:

Mr. Gerald Matacotta appeared at my office this morning with a letter dated May 16th, pertaining to excessive lateness on his part. I discussed this matter with Mr. Matacotta and informed him that it is his duty to be in the school on time and to be ready to receive the children in his classroom at the first bell. I indicated to him that I expect immediate improvement and reminded him of his professional responsibilities to the children.

It is my sincere hope that as a result of this meeting, Mr. Matacotta will take my words to heart and correct the problem of lateness.

Very truly yours,

William A. Rogers
Community Superintendent
District 14

WAR:EM
cc: Mr. Gerald Matacotta

TELEPHONE: 782-9500

BOARD OF EDUCATION OF THE CITY OF NEW YORK

MARK HOPKINS INTERMEDIATE SCHOOL

(I. S. 33)

70 TOMPKINS AVENUE BROOKLYN, N. Y. 11206

PRINCIPAL
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CHAIRMEN
MARVIN POLONSKY
MARGARET ROGART

June 5, 1973

Mr. Irving Anker
110 Livingston Street
Brooklyn, New York

Dear Sir:

This is a letter of complaint pertaining to the action of C.S.B. of District 14. Since I received your letter dated May 30, 1973, REINSTATING me, C.S.B. of District 14 has scheduled a special meeting today, June 5th, at 3:30 P.M. Please be advised that such a meeting is in violation of the State Education Law, Article 52A, Item 2590-J, entitled "APPOINTMENT AND REMOVAL OF PERSONS IN THE TEACHING AND SUPERVISORY SERVICE", WHICH STATES AS FOLLOWS: "Each community board shall, subject to the provisions of paragraph (e) herein, have authority and responsibility with regard to trials of charges against any members of the teaching or supervisory service staffs of the schools within its jurisdiction as follows:

(a) No such employee....shall be found guilty of any charges except after a hearing and by the affirmative vote of a majority of all the members of the community school board....

(b) Charges may be initiated by the community superintendent against any such employee for any of the following offenses:

(1) Unauthorized absence from duty or excessive lateness;
(2) Neglect of duty;
(3) Conduct unbecoming his position, or conduct prejudicial to the good order, efficiency or discipline of the service;
(4) Incompetent or inefficient service;
(5) A violation of the by-laws, rules or regulations of the city board, chancellor, or the community board; or
(6) Any substantial cause that renders the employee unfit to perform his obligations properly to the service.

(c) The community superintendent, in advance of the filing of charges and specifications, shall inform the employee accused and the community board of the nature of the complaint. No charges shall be brought more than six months after the occurrence of, the discovery thereof, or the date when discovery should have occurred upon the exercise of due diligence, of the alleged incompetency or misconduct except where the charge is ... misconduct constituting a crime when committed.

(d) The employee charged shall be given an opportunity to be heard, in person or by counsel, including the right to receive a copy of the charges and specifications, and shall be entitled to cross-examine opposing witnesses and to call and examine witnesses in his own behalf.

(e) Upon the service of a copy of the charges upon such employee and the filing thereof with the community board, the community superintendent may recommend to the chancellor the suspension of any such employee. If the chancellor shall determine that the nature of the charge requires the immediate removal of the employee from his assigned duties, he may suspend such employee for a period not exceeding ninety days pending hearing and determination of charges, provided however, that such employee shall be entitled to receive full compensation during the period of suspension. In case the employee is acquitted, he shall be restored to his position...."

I appeal to you as Chancellor of the New York City Board of Education that none of the foregoing rules and regulations have been observed by the community superintendent and the community school board of District 14. I have not received a copy of the charges nor have I been given an opportunity to be heard in person or by counsel. I have not been given an approach to the due process laws. Therefore, I am asking your office to investigate the action of the Community Superintendent Rogers and the Community School Board of District 14 as to the violation of my civil rights and the right to make an honest living. I hold this hearing today to be highly discriminatory and prejudicial to my constitutional rights. I further ask you to declare the proceedings of community school board of District 14 "NULL AND VOID".

Cited reasons community school board of District 14 and community superintendent Rogers have proven themselves insensitive to the needs of my immediate school community which is predominantly Black and Spanish by holding a special meeting at the Annex building at 75 Meserole Avenue, which is not in the immediate community; the hour of 3:30 P.M. is inappropriate for hundreds of the working parents to be able to attend; the Annex building is deep in the heart of a predominantly white Greenpoint section of Brooklyn. (Note: Community School Board's composition is predominantly white and the vote of 7 white to 2 (1 Black and 1 Spanish) for the only resolution on the agenda to dismiss the first black male principal in District 14.

The hasty action that the C.S.B. is taking proves beyond a reasonable doubt that there is a campaign to oust me from my duly appointed position. I stated this emphatically to Superintendent Rogers in my letter dated May 21, 1973, copy of same is in your file.

I am backed 100% by the community including the Parents Association of I. S. 33, Tompkins Tenants Association, Marcy Tenants Association, Summer Houses Tenants Association, Williamsburgh Community Corporation, and other organizations in the Williamsburg area.

I am urging you to use your office to thwart the attempts of the Community School Board of District 14 and Community Superintendent Rogers to flout the purpose of the legal requirements of the public meeting if the time and location of that meeting is allowed to be such as would be a major obstacle for the most affected part of the public - parents, and community- of I. S. 33 to attend.

Very truly yours,

Claude L. Huntley

CLH:ac

Claude L. Huntley, Jr.
Principal

BOARD OF EDUCATION OF THE CITY OF NEW YORK
110 LIVINGSTON STREET, BROOKLYN, NEW YORK 11201
OFFICE OF THE CHANCELLOR

MICHAEL B. ROSEN
COUNSEL TO THE CHANCELLOR

June 13, 1973

Mr. Claude L. Huntley, Jr.
Mark Hopkins Intermediate School
70 Tompkins Avenue
Brooklyn, New York 11206

Dear Mr. Huntley:

Mr. Anker has asked me to respond to your letter of June 5, 1973 concerning the termination of your assignment as acting principal of I-33-K in District 14, Brooklyn.

To date, the courts of the State of New York have not held Section 2590-j(7) of the Education Law, to which you refer in your letter, to apply to persons holding acting supervisory positions.

The community school board is empowered under the Education Law to appoint and assign all supervisory personnel for all schools under its jurisdiction. While the Chancellor may in certain circumstances supersede a community board, your allegations do not justify granting the relief you request against Community School Board 14.

Very truly yours,

MICHAEL B. ROSEN
Counsel to the Chancellor

MBR:mhs

cc: Mr. Anker
Chairman, Community School Board 14
Community Superintendent, District 14

SEYMOUR P. LACHMAN, President
JAMES F. REGAN, Vice President
MURRY BERGTRAUM
JOSEPH MONSERRAT
ISAIAH E. ROBINSON

IRVING ANKER, Chancellor
HAROLD SIEGEL, Secretary

BOARD OF EDUCATION
OF THE CITY OF NEW YORK
110 LIVINGSTON STREET
BROOKLYN, N.Y. 11201

October 26, 1973

In Re: Appeal of PA - IS 33K (Pratt et al) vs Chancellor Irving Anker
(Case P-60)

To: Martin S. Needelman, Esq.
Williamsburg Neighborhood Legal Services
260 Broadway
Brooklyn, New York 11211

Michael B. Rosen, Esq.

Gentlemen:

Attached herewith please find true copy of the original of the decision rendered by the Board of Education in the matter of the appeal of PA - IS 33K (Pratt et al) from a ruling and order of the Chancellor.

Very truly yours,

Harold Siegel
Secretary
Board of Education

COMMUNITY SCHOOL BD. 14
RECEIVED
OCT 31 1973
By

Att.

cc: John C. Coffee, Jr., Esq.
One Chase Manhattan Plaza-57th Floor
New York, New York 10005

Bro. Robert F. Lally, President
Community School Board 14

Mr. William A. Rogers, Community Superintendent
Community School Board 14

Parents Association of IS 33K
(Pratt et al)

Petitioner

-against-

Chancellor Irving Anker

Respondent

(Case P-60)

This appeal is brought on behalf of the Parents Association of IS 33K, Community School District 14 (hereinafter referred to as CSB) petitioning for the reversal of the action of CSB 14 dismissing Mr. Claude Huntley, Acting Principal of IS 33K. An appeal had previously been filed with the Chancellor who sustained the action of the CSB. The appeal herein is before the Board of Education in accordance with Rules and Regulations Governing Grievances to the Chancellor Against Community School Boards or Members adopted November 17, 1971. The Chancellor found that the CSB did not violate applicable laws, rules, regulations or by-laws.

Petitioner's brief states that the "petitioner appealed the decision solely with regard to consultation, to the Board of Education of the City of New York." At oral hearings they also asserted that the basic issue is whether or not the CSB was required to consult with the Parents Association before it acted on the dismissal, in addition to any provision that might be made for testimony at a public meeting.

Petitioner's argument is based on Section 8 of "Parents Association and the Schools" adopted by the Board of Education "as its policy as to the relationship of parents and parent-teacher associations to all schools in the City School District of the City of New York." The applicability of this "policy" to the CSB is not questioned.

A careful review of Section 8 does not disclose any intention to require consultation prior to taking any disciplinary or removal action with respect to district personnel. The bulk of the section is specific with respect to the consultation rights of parent groups in the selection of supervisory personnel, criteria for evaluation of teachers and administrative staff and specifically makes clear that parent organizations shall not have "rating responsibilities." This section also specifies in detail "other matters" on which parent groups are to be consulted.

In view of the extended discussion in Section 8 covering personnel and specification of a large number of other matters requiring consultation, it is clear that the statement that the school authorities "shall carry out their powers in frequent consultation" was not intended to include consultation on disciplinary action or dismissal of personnel. If those who wrote and finally adopted the policy resolution intended to include such consultation before disciplinary action or dismissal there was ample opportunity for them to do so.

In the Matter of the Appeal of Parents Association of IS 33K, (Pratt et al), Petitioner, against Chancellor Irving Anker, Respondent (Case P-60)

Petitioner's suggested interpretation goes far beyond a matter of technical interpretation. It would be a significant and substantive addition that would require Board action as formal as the adoption of the referenced document.

The Board of Education is in agreement with the decision of the Chancellor. The appeal is dismissed.

By Order of the Board of Education

Harold Siegel
Secretary

October 26, 1973.

C.C. Michael Rosen, Esq.
Office of the Chancellor
110 Livingston Street
Brooklyn, New York 11201

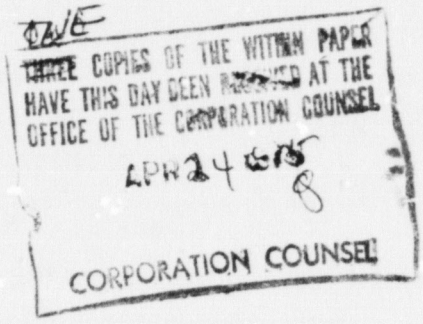
Austin Sobers
Office of Community School Board Relations
Board of Education
110 Livingston Street
Brooklyn, New York 11201

Chairman
Community School Board 14
310 South 1st Street
Brooklyn, New York 11201

Dr. Seymour Lachman
Board of Education
110 Livingston Street
Brooklyn, New York 11201

Isaiah Robinson
Board of Education
110 Livingston Street
Brooklyn, New York 11201

Community Superintendent
Community School Board District 14
310 South 1st Street
Brooklyn, New York, 11201


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HAVE THIS DAY BEEN
OFFICE OF THE
CORPORATION COUNSEL